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TO

EXECUTIVE DOCUMENTS,

PRINTED BY ORDER OF

THE SENATE OF THE UNITED STATES,

SECOND SESSION, THIRTY-THIRD CONGRESS,

1854-'55.

IN TWELVE VOLUMES,

EXCLUSIVE OF DOCUMENTS NOS. 78* AND 79.†

Volume 1 *contains....No.* 1, *part* 1.
Volume 2 *contains....No.* 1, *part* 2.
Volume 3 *contains....No.* 1, *part* 3.
Volume 4 *contains....No.* 2.
Volume 5 *contains....No.* 3, *and Commerce and Navigation report.*
Volume 6 *contains....Nos.* 4 *to* 34 *inclusive, except No.* 10.
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Volume 12 *contains....No.* 10 *in quarto.*

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†No. 79 contained in several volumes following No. 78.

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PRINTED BY ORDER OF

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SECOND SESSION, THIRTY-THIRD CONGRESS,

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Communicating a statement of the amount of silver purchased for recoinage; also the reasons for the difference of the prices paid at Philadelphia and New Orleans for silver recoined	7	52	1
Transmitting papers in relation to the claims of Gibbons and Kelly, with reports of the Commissioner of Customs thereon	7	53	1
Transmitting to the chairman of the Committee on Finance the report of experiments by Lieutenant Alexander, for testing the strength of wrought iron beams and girders to be used in buildings erected for custom-houses United States courts, and post offices, and recommending an appropriation for testing them on a larger scale	7	54	1
Relative to the erection of a custom-house and other public buildings at Cleveland, Ohio	7	59	1
In relation to causes of delay in furnishing funds to defray the expenses of the western judicial district of Arkansas	11	72	1
Transmitting the report of the Superintendent of the Coast Survey	12	10	1
In relation to sites for light-houses and a marine hospital in Ohio	6	11	1
Communicating the annual report of the Register of the Treasury, with statements of the commerce and navigation of the the United States, for the fiscal year ending June 30, 1854	5		
REPORTS, ETC., OF THE SECRETARY OF THE INTERIOR, VIZ:			
Exhibiting the operations of the Interior Department during the year 1854	1	1	29
Communicating a report made by R. H. Schoolcraft, on the state of Indian statistics	6	13	1
Communicating a statement of appropriations for the service of the Interior Department for the year ending June 30, 1854	6	15	1
In relation to the necessity of certain appropriations for the service of the Indian Department	6	26	1
Requesting that certain appropriations be made for the payment of the Cherokee Indians	6	29	1
In conjunction with the Postmaster General respecting sites, with schedules of proposals therefor, for court-houses and post offices in Philadelphia, New York, and Boston	6	30	1
Requesting appropriations and a modification of the laws to enable him to execute treaties with the Indians in Kansas Territory	6	32	1
Requesting certain appropriations for the service of the Indian Department	7	35	1
Communicating a letter from the Commissioner of Indian Affairs, and asking for certain appropriations to enable him to carry into effect the treaty with the Chippewa Indians of Lake Superior	7	40	1
In relation to the colonization of the California Indians	7	41	1
In relation to the claim of the Brotherton Indians	7	45	1
Requesting an appropriation to supply a deficit in the amount held on Indian account, caused by the failure of Selden, Withers & Co., with whom it was deposited	7	56	1
Requesting an appropriation for relaying and repairing the culvert running from the Capitol grounds down the centre of South Capitol street	7	60	1
Communicating a statement of the amount paid as annuities, under the different treaties with the Choctaw Indians	11	64	1
Requesting an appropriation for the survey of lands in the northern part of Minnesota Territory recently acquired from the Chippewa Indians	11	70	1
Requesting appropriations on account *of the Indian service*	11	71	1
In relation to *the causes of delays in 1853 and 1854 in furnishing* funds to *defray the expenses of the western judicial district of* Arkansas	11	72	1

Subject.	Vol.	No.	Page.
REPORTS OF THE SECRETARY OF THE INTERIOR—Continued.			
Transmitting a communication from the Commissioner of Indian Affairs in relation to appropriations for the fulfilment of certain treaty stipulations with the Wyandott Indians	11	74	1
Communicating a report of A. B. Gray, with a map, in relation to the Mexican boundary	7	55	1
REPORTS, ETC , OF THE SECRETARY OF WAR, VIZ :			
Communicating reports of the Commanding General and Heads of Bureaus of the War Department, showing the operations of the army during the year 1854	2	1	3
(*For list of documents accompanying the above, see page 27 of same.*)			
Communicating a statement of appropriations applicable to the service of the War Department during the fiscal year 1853–'54	6	5	1
Communicating the report of the Board of Officers appointed to examine claims in California under Lieutenant Colonel Frémont	6	8	1
Communicating reports of Lieutenant Colonel Johnson, superintendent, and J. G. Floyd, agent, in relation to the improvement of the Des Moines and Rock river rapids of the Mississippi	6	12	1
Communicating a statement of the expenses of the national armories, and of the arms and appendages made thereat, during the year ending June 30, 1854	6	18	1
Communicating a statement of the contingent expenditures of the military establishment for the year 1854	6	19	1
In relation to Indian hostilities	6	22	1
Communicating information in relation to the deepening of the communication between Lakes Huron and Superior	6	23	1
Communicating a report of Colonel Totten, of the engineer department, relative to fortifying the entrance to the harbor of San Francisco	6	24	1
Communicating, in further compliance with the Senate resolution requesting copies of correspandence between Major General Wool and the different departments of the government, a report from the Secretary of State, with accompanying documents	6	25	1
In relation to the troops of the State of Texas, who have been or are in service, and have not been paid by the United States	6	28	1
Communicating an abstract of the returns of the militia of the States and Territories, with their arms, accoutrements, and ammunition	6	33	1
Communicating statements of the contingent expenses of the offices and bureaus of the War Department for the year ending June 30, 1854	7	44	1
Communicating statements of contracts made under authority of the War Department under acts of 1808 and 1809	7	46	1
Communicating lists of clerks and other persons employed in the War Department, other than officers of the army, during the year 1854	7	47	1
Communicating correspondence in relation to the military reservation at Fort Leavenworth	7	50	1
Communicating information in relation to the military reservation at Fort Leavenworth	7	58	1
Communicating information in relation to the appropriation of lands for military purposes at Fort Laramie and other forts	11	68	1
Communicating a statement of the number of muskets, &c., delivered to State arsenals, number sold and accounted for, &c	11	75	1
Communicating the report of a survey of Red river	7	62	1
Communicating a report upon so much of the Florida canal survey as relates to a line between Cedar Key and Amelia island	11	76	1
Communicating reports of surveys for a railroad to the Pacific; also from Puget's Sound, by Fort Hall and the Great Salt Lake, to the Mississippi river; and from the head waters of the Arkansas, &c	*	78	1
* (Contained in several vols., following vol. 12.)			
REPORTS, ETC., OF THE SECRETARY OF THE NAVY, VIZ :			
Exhibiting the operations of the Navy Department during the year 1854	2	1	383
(*For list of papers accompanying the above, see page 404 of same.*)			
Transmitting correspondence, &c., relative to the naval expedition to Japan	6	34	1
Communicating the correspondence in relation to the dock, basin, and railway, *at the Pensacola navy yard*	7	39	1

Subject.	Vol.	No.	Page.
REPORTS OF THE SECRETARY OF THE NAVY—Continued.			
Communicating further correspondence in relation to the balance dock, basin, and railway, at the Pensacola navy yard	7	48	1
Transmitting a copy of a letter from the Bureau of Yards and Docks in relation to articles furnished, for the year ending June 30, 1854, coming under the cognizance of that bureau	7	49	1
Communicating reports and surveys in relation to the establishment of a naval depot at Brunswick, in the State of Georgia	7	57	1
Communicating Commodore Perry's naval expedition to Japan, with the maps, charts, and drawings, accompanying the same	*	79	1
*(Contained in several vols., following Doc. No. 78.)			
REPORTS, ETC., OF THE POSTMASTER GENERAL, VIZ :			
On the operations of the Post Office Department	2	1	613
In relation to the transmission of the mails from Cairo to New Orleans	6	27	1
In conjunction with the Secretary of the Interior, in relation to sites, with schedules of proposals therefor, for court-houses and post offices in Philadelphia, New York, and Boston	6	30	1
Communicating the correspondence in relation to the postal treaty between the British government and the United States	11	67	1
SUBORDINATE DEPARTMENTS.			
REPORTS, ETC., OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.			
Exhibiting the operations of the General Land Office during the fiscal year ending June 30, 1854	1	1	70
REPORTS OF THE TREASURER OF THE UNITED STATES, VIZ :			
Communicating a statement of his accounts	5	3	1
Communicating a statement of the Post Office accounts	11	66	1
REPORT OF THE SECOND AUDITOR OF THE TREASURY DEPARTMENT, VIZ :			
Exhibiting statements of disbursements, &c., for the benefit of the Indians	11	69	1
REPORTS, ETC., OF THE COMMISSIONER OF PENSIONS.			
Exhibiting the operations of the Pension Office during the year 1854	1	1	545
REPORTS, ETC., OF THE COMMISSIONER OF INDIAN AFFAIRS.			
Exhibiting the operations of his office during the year 1854	1	1	211
In conjunction with the superintendent of Indian affairs in relation to the removal of the California Indians	7	36	1
In relation to an appropriation to carry into effect the treaty with the Indians of Lake Superior	7	40	1
In relation to appropriations on account of the Indian service	11	71	1
In relation to appropriations required for fulfilling treaty stipulations with the Wyandott Indians	11	74	1
REPORTS, ETC., OF THE COMMISSIONER OF PATENTS.			
In relation to the mechanic arts, inventions, &c., (part 1)	8	42	1
Illustrating with plates, maps, &c., the contents of vol. 8, part 1, relating to inventions, mechanic arts, &c., (part 2)	9	42	1
In relation to agriculture, &c., (part 3)	10	42	1
REPORTS, ETC., OF THE COMMISSIONER OF PUBLIC BUILDINGS.			
Exhibiting the operations of his office during the six months ending 30th June, 1854	1	1	598
In relation to *the reconstruction of a culvert running from* the Capitol *grounds*	7	60	1

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REPORTS, ETC., OF THE SUPERINTENDENT OF PUBLIC PRINTING.			
Exhibiting the operations of his office during the year 1854.....	6	6	1
Report of the commissioners to settle private land claims in California.....	1	1	43

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 4.

REPORT

OF

THE SECRETARY OF STATE,

SHOWING

The disbursements for the service of the State Department for the year ending June 30, 1854.

DECEMBER 11, 1854.—Read, ordered to lie on the table and be printed.

DEPARTMENT OF STATE,
Washington, December 8, 1854.

SIR: The Secretary of State, in obedience to the 20th section of the act entitled "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the departments and offices of the government, and for other purposes," approved the 26th of August, 1842, and the act making appropriations for the civil and diplomatic expenses of government for the year 1836, (section 2,) has the honor to submit to Congress the accompanying statements—A, B, C, D, E, and F.

That marked A shows the manner in which the fund for the contingent expenses of the Department of State has been expended, so far as the disbursements have been made by the agent of the department, during the fiscal year ending June 30, 1854.

B.—A statement of the balances of the same appropriation remaining in the treasury June 30, 1854, and in the hands of the disbursing agent.

C.—A precise and analytical statement of all moneys disbursed by the agent of this department during the fiscal year ending June 30, 1854.

D.—A statement of disbursements from the fund for contingent expenses of foreign intercourse, for the year ending November 30, 1854.

E.—A statement of the contingent expenses of foreign intercourse, from July 1, 1853, to June 30, 1854, other than those paid by the agent of the Department of State, as stated by the Fifth Auditor.

F.—A statement of the contingent expenses of all the missions abroad from July 1, 1853, to June 30, 1854, as stated by the Fifth Auditor.

I have the honor to be, sir, your obedient servant,

W. L. MARCY.

Hon. J. D. BRIGHT,
President pro tem. of the Senate.

A.

Detailed statement of the manner in which the fund for the contingent expe of the Department of State has been expended from July 1, 1853, to . 30, 1854, inclusive, including the publication and distribution of the l

To whom paid.	For what object.	Amount.	Tot
Dunklu & Wales	Publishing laws, &c., 2d sess. 32d Congress.		$2(
Giles M. Hilyer	do do do		2(
Knowles & Anthony	do do do		2(
Thomas Bailies	do do do		2(
W. G. Brownlow	do do do		2(
Brown & Borden	do de do		2(
T. H. Cavanaugh	do do do		2(
S. B. McCracken	do do do		2(
J. J. Clyde	do do do		2(
P. W. Alexander	do do do		2(
Schuyler Colfax	do do do		2(
J. K. Underwood	do do do		2(
Thomas T. Kinney	do do do		2(
R. C. Stevens	do do do		2(
Prentice & Henderson	do do do		2(
McFarland & Jenks	do do do		2(
S. Corning Judd	do do do		2(
W. B. Figures	do do do		2(
B. R. McKinnie & Co.	do do do		2(
G. D. Crosthwaite & Co.	do do do		2(
H. Eckell & Co	do do do		2(
Joseph Clisby	do do do		2(
Henri F. Middleton	do do do		2(
Boswell & Faxon	do do do		2(
W. E. Woodruff	do do do		2(
J. G. Seymour	do do do		2(
Holloway & Davis	do do do		2(
Royal Buck	do do do		2(
J. W. Vesey	do do do		2(
C. P. Johnson	do do do		1(
W. Lacy & Co	do do do		2(
M. Bourke	do do do		2(
Thomas Hale	do do do		1(
James K. Harper	do do do		2(
J. J. Bruner	do do do		2(
Beriah Brown	do do do		2(
Smith & Sayward	do do do		2(
Moore & Harrison	do do do		2(
Babcock & Wildman	do do do		2(
McMichael & Bird	Publishing laws, &c., 1st sess. 31st Congress.		2(
Lewis Zinn	Publishing laws, &c., 2d sess. 32d Congress.		2(
C. J. Elford	Publishing laws, &c., 1st sess. 32d Congress.		2(
Perry & Elford	Publishing laws, &c., 2d sess. 31st Congress.		1(
Julian Gaunt & Co.	Publishing laws, &c., 1st & 2d sess. 32d Cong.		4(
Cranston & Norman	Publishing laws, &c., 2d sess. 32d Congress.		2(
G. E. Elford	do do do		2(
Harris & Fairbanks	do do do		1(
David Olmsted	do do do		1(
Wm. E. Stubbs	Services as clerk from Dec. 5, 1853, to May 31, 1854, 153 days, Sundays excepted, at $4 per day		6(
George W. Beers	Services as clerk from January 2 to May 31, 1854, 129 days, at 3 per day		3(
H. C. McLaughlin	Services as clerk from Feb. 23 to May 31, 80 days, at $4 per day		3(
Joseph W. Newcomb	Services as clerk from Feb. 6 to March 29, 45 days, at $3 per day		1(

A—Continued.

To whom paid.	For what object.	Amount.	Total.
Geo. W. Beers	Services as clerk from 1st to 7th June, 6 days, at $3 per day		$18 00
E. Pitts	Services as clerk from Feb. 1 to May 24, 97 days, at $4 per day		388 00
Jos. W. Newcomb	Services as clerk from March 30 to June 7, 60 days, at $4 per day		240 00
Wm. J. Fitzpatrick	Copying 26,200 words, at 10 cents per 100		26 20
Wm. J. Bromwell	Services as clerk from Jan. 21 to June 30, 138 days, at $4 per day		552 00
Wm. E. Stubbs	Services as clerk from 1st to 30th June, 26 days, at $4 per day		104 00
H. C. McLaughlin	ditto ditto ditto		104 00
E. Pitts	Services as clerk from 7th to 30th June, 21 days, at $4 per day		84 00
Wm. B. Harrison	52 boxes, at 75 cents each, $39; 77 do., at 80 cents each, $61 60	$100 60	
	148 boxes, at 85 cents each, $125 80; hauling 10 loads, $5	130 80	
	Half measurement charge	1 13	
			232 53
E. W. Hansell	Laborer, 1 month		30 00
Anthony Best	ditto		30 00
Charles H. Brown	ditto		30 00
B. S. Balch	12 stencil plates, containing 184 letters, at 4 cents each		7 36
Hugh Moffett	Coopering 301 boxes, at 10 cents each		30 10
J. M. Smith	30 days' services packing laws		30 00
Edwin G. Donaldson	29 ditto ditto		29 00
Adams & Co	Freight from Boston, 20 boxes, weight 8,450 lbs., at $1 75 per cwt		147 87
E. W. Hansell	Laborer, 1 month		30 00
Anthony Best	ditto		30 00
Charles H. Brown	ditto		30 00
National Telegraph	Dispatches		17 94
Gales & Seaton	Advertising proposals for stationery		18 00
John M. Donn & Bro.	2 spittoons, $1 50; basin and ewer, $1 50	3 00	
	Soap and brush boxes, $1 25; brush, $1 50	2 75	
	2 water coolers—1 at $12, and 1 at $26	38 00	
	2 goblets, $1; 2 glass mappies, $1	2 00	
			45 75
David A. Baird	2 brown Holland window blinds		9 00
L. F. Clark	80 yards best matting, at 33⅓, $26 67; 4 ps. binding, $2	28 67	
	Laying 83 yards matting, at 10 cents, $8 30; 6 papers tacks, 60 cents	8 90	
	Repairing matting in passage, $2; 6 papers tacks, 60 cents	2 60	
	Laying 47 yards matting, $4 70; 3 pieces binding, $1 50	6 20	
	56½ yards matting, at 33⅓ cents, $18 84; 4 pieces binding, $2	20 84	
	Laying 56½ yards matting, $5 65; 6 papers tacks, 60 cents	6 25	
			73 46
Clagett, Newton, May & Co.	2 yards best flannel		2 50
Robert Armstrong	Advertising deaths American citizens	9 00	
	6 copies daily Union, 25 cents; advertising notice to claimants, $1	1 25	
	Advertising proposals for stationery	18 00	
	Advertising persons having books	1 50	
			29 75
James Skirving	1 shovel, 25 cents; 15 lbs. zinc, $2 70	2 95	
	Taking *down and removing 4 stoves*, pipe, &c.	5 00	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
James Skirving—Con...	Stopper for fire-board	$0 50	
	Taking down and removing 4 stoves	3 00	
			$11 45
William Pettibone	Binding in full Russia 8 quires medium commissions	7 00	
	Binding 3 vols. laws full sheep	1 87	
	Binding 3 vols. laws half bound	1 50	
	Binding full Russia 6 quires medium commissions to P. M.	7 00	
	Binding 8 quires 4to medium general index full cap	10 00	
	Binding Hunt's Magazine, vols. 37 and 38, $1 50; Banker's Magazine, $1 50	3 00	
	Lettering 4 record books, 3 titles	2 00	
	Lettering 10 vols. Statutes at Large	2 50	
	Lettering 47 sets, 470 vols. Statutes at Large	58 75	
	Lettering 3 titles, notes to foreign ministers.	50	
	1 4½ quire double cap scrap book	6 00	
			100 12
Samuel Kirby	Repairing 2 chairs and covering one	2 50	
	Repairing 2 chairs, $1; restuffing and covering arm chair, $6	7 00	
	2 seats in cane seat chairs, $2; repairing 3 chairs, $1 50	3 50	
	Restuffing and covering 2 arm chairs, $12; key, 50 cents	12 50	
	Varnishing 2 chairs, $1; castors on 2 chairs, $1	2 00	
	2 large tables, $80; easing and repairing door, 25 cents	80 25	
	Marble top wash stand, $30; 1 dozen mahogany chairs, $60	90 00	
	1 case, $50; Book-case, $75; rockers to 2 chairs, $3 50	128 50	
	Splicing chair legs, $1; rockers to chair, $1 50	2 50	
	1 table, $25; fine lock on drawer, $2	27 00	
	Water stand, $15; plumber's bill, $3	18 00	
	Table and case, $55; desk, $10	65 00	
	Varnishing table and covering with cloth	11 00	
	Mahogany case, $10; 2 arm chairs, $8	18 00	
			467 75
Campbell & Coyle	1 dozen punches		6 50
Triplet & O'Neal	Lettering 4 blank-books, $2; do. 3 boxes, $1 50	3 50	
	Lettering 160 titles green morocco	40 00	
	Lettering 2 titles for book, 50 cents; lettering 2 blank books, $1	1 50	
	1 set morocco tags, 2 50; 4 portfolios full Russia, $32	34 50	
	6 boxes full morocco, $27; cutting index for book, $1	28 00	
	Cutting paper	50	
			108 00
J. W. Arnold	6 lbs. sealing wax, $7 50; 2 dozen M. & N. ink, $12	19 50	
	½ dozen letter weights, $6; ½ dozen knives, $10; 20 lbs. coarse twine, $15	31 00	
	6 gross steel pens, $15; 12 doz. tape, $4 80; 20 lbs. sealing wax, $25	44 80	
	1 dozen tape, No. 23, $6; 12 lbs. gill-net twine, $9; 30 reams cap ruled, $270	285 00	
			380 30
C. Alexander	20 copies Digest and Index Opinions Attorneys General		40 00

A—Continued.

To whom paid.	For what object.	Amount..	Total.
John Miller	Geranker's Journey Round the World	£1 11s. 6d.	
	Moore's Journal and Correspondence, vols 3 and 4	1 1 0	
	Lord John Russell's Charles J. Fox, 2 vols.	1 8 0	
	Alison's History of Europe	15 0	
	Grenville papers, vols. 3 and 4	1 12 0	
	Lord Mahon's Chesterfield's Letters, vol. 5	14 0	
	Correspondence with British Government relative to Hungary	8 0	
	Correspondence—Affairs of Switzerland	4 0	
	Blue-Book, 5s.; Goethe's Opinions, 3s. 6d.	8 6	
	Blackwood's Magazine, 7s. 6d.; Colonial Journal, 7s. 6d	15 0	
	Quarterly, Edinburg, and Westminster Reviews	18 0	
	2 copies Bailey's Map Central America	1 1 0	
	Hansard's Debates, vols. 124 and 125	3 0 0	
	3 quires printed directions for Secretary of State	13 6	
	Postage from the United States	1 0	
	12 gross plated pens	3 12 0	
	12 gross double action pens	3 12 0	
	12 gross gilt pens	4 16 0	
	12 gross double action pens	2 8 0	
		28 18 6	
	Less discount on pens, £1 9s., and error in last account. 6s	1 14 0	
	At 3s. 11½d. to the dollar	27 4 6	$137 56
W. C. Rives	French tariff, $2 63; Journal des Debats, $6 75		9 38
A. Hatch, jr	1 ground lamp globe		1 00
Wm. H. Bidwell	Eclectic Magazine, from January, 1851, to December, 1853, inclusive		15 00
B. S. Balch	12 stencil plates, containing 152 letters at 4 cents each		6 08
B. Chambers	Printing from plate 3,200 warrants for seal and paper		96 00
Schooner Hamilton	Freight, wharfage and cartage on 1 box, 68 feet		5 41
Patterson & Nairn	Cup sponges, $2 50; Labraque's chloride of soda, $1 12	$3 62	
	English hair brush, $1 75; Buffalo comb, $1 25	3 00	
	1 doz. fine cup sponges, $3; alcohol, 25 cts.	3 25	
	Sponge, 87½ cts.; olive oil, 62½ cts.; half gross honey soap, $15	16 50	
	Paint brush	38	
			26 75
James S. Martin	Laborer one month		30 00
J. W. Prender	....do.....do		30 00
W. J. Osborn	....do.....do		30 00
T. Pursell & Son	Fancy ewer and basin; soap box and tray.	5 50	
	Chamber	2 00	
			7 50
James Williamson	Laborer seven days		7 00
J. D. Brown	Repairing three chairs, $3 75; one chair, $22		25 75
Wm. H. Prentiss	Carriage hire, $8 98; cartage, 74 cts.; postages, $2 85	12 57	
	Telegraph, $9 02; paste, 6 cts.; hat hook, 18 cts	9 26	
	Blacking, 25 cts.; freight, $4 88	5 13	
			26 96

A—Continued.

To whom paid.	For what object.	Amount.	Total.
Charles H. Brown	Washing eight dozen towels		$6 00
Edgar Snowden	Publishing death of American citizen		1 00
Benj. Chambers	Paper and printing 920 sheets checks, four on each	$55 20	
	Altering plate	8 00	
			63 20
James J. Martin	Laborer one month		30 00
Wm. J. Osborn	....do.....do		30 00
John W. Prender	....do.....do		30 00
Charles H. Brown	Washing six dozen towels		4 50
Francis Lamb	Regilding frame $2; two frames and glass, $9	11 00	
	Print likeness of J. K. Polk	1 00	
			12 00
Courier & Enquirer	Publishing deaths of American citizens		1 00
Gideon & Co.	.....do.....do.....do	2 00	
	Publishing notice of persons having books belonging to Department	75	
	Advertising proposals for stationery	18 00	
			20 75
Wm. J. Osborn	Laborer one month		30 00
James J. Martin	....do.....do		30 00
John W. Prender	....do.....do		30 00
Calvin Ames	Furnishing horse for the quarter		62 50
Wm. H. Prentiss	Furnishing carryall, and carrying the mail for quarter		30 00
John G. Dinning	Subscription to Montreal Courier, from August 23, 1849, to August 23, 1852		22 37
Baltimore Sun	Subscription to, July 31, 1853		3 36
Gales & Seaton	Subscription to National Intelligencer, 4 copies, to April 1, 1854		40 00
Prop. Richmond Whig.	Subscription to, from March 19, 1851, to September 19, 1853		26 00
Gideon & Co.	Subscription to Republic, 3 copies, to August 27, 1853		33 45
J. C. McGuire	One large map of Cuba		30 00
Wm. M. Morrison & Co.	Spark's Revolutionary Correspondence, 4 vols	9 00	
	Mitchell's Universal Atlas	12 00	
			21 00
D. M. Edrehi	Historical account of the Ten Tribes		3 00
R. A. Waters	Printing 20 quires foolscap, circulars	10 00	
	Printing 21 quires foolscap, headed "Custom House," &c	21	
	Red and feint lining same	7 00	
	Circular, U. S. Official Regulation, 5 quires	2 50	
	Circular, "In compliance with resolution of Senate," 15 quires	7 50	
	General instructions to consuls, &c., 34 pages, 43,146 ems, at 40 cents per 1,000, (300 copies)	17 25	
	Press work and paper, 10 tokens, at 50 cts	5 00	
	Reprint with alterations	5 00	
	Folding and stitching	10 00	
	Circulars, $62 80; alterations, $2	64 80	
	List of judges and marshals, &c., 52 pages, 100,000 ems, 25 copies, $150 15; 5 more copies, 24 pages reset, 46,200 ems, $69 30	219 45	
	Press work and paper, 38 tokens	45 60	
	Stitching the same	5 00	
	Treaties, Dahkota or Sioux, and Dahkotas, 50 copies each, 12 quires at $2 50, $30; stitching with taste, $12	42 00	
	Treaty with Chickasaws, 50 copies, 5 quires	12 50	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
R. A. Waters—Cont'd.	Stitching with taste, $6; circulars, 20 quires, 20 cents	$6 20	
	List of ministers, consuls, &c., 40,700 ems.	61 10	
	Press work, 20 tokens, $24; stitching, $5...	29 00	
	General Instructions to Commercial Agents, 39,762 ems	59 62	
	8½ pages rule work, 34,580 ems, $77 65; press work, $7 50	85 15	
	Circulars, $20 80; folding and stitching, $15	35 80	
	1 ream appointments, worked both sides, fine medium paper	25 00	
	Commissions, 800 copies, $28; 300 nominations, $10	38 00	
	200 appointments worked both sides, fine medium writing paper	22 00	
	List of judges, &c., 32 pages, 67,488 ems, at $1 50	101 20	
	Press work on same, $19 20; stitching with taste, $6	25 20	
	Circular, 50 copies, 3 quires, $4 80; 3 commissions, 100 copies, $8	12 80	
			$954 88
John Tretler	Binding 454 volumes consular letters, and arranging same for binding, at $2 50	1,135 00	
	Crédit by cash, March 24, 1852	862 60	
			272 40
Edward Stabler	1 large package seal for the President		20 00
Freeman Hunt	Hunt's Merchants' Magazine, for 1853		10 00
Benjamin Chambers	Printing 540 domestic commissions, at 5 cts.	27 20	
	Printing 50 domestic commissions, and paper, at 10 cents	5 00	
	Printing 1,000 letters to Fifth Auditor	30 00	
	1,000 blank lines	60 00	
			122 20
Robert A. Waters	Printing 16 quires circulars to governors	8 00	
	Labels, 150 copies to collectors, $7; labels, 150 copies to district courts, $7	14 00	
	22 quires circulars, $35 20; 500 copies of lables, $10	45 20	
	20 quires circulars, 20 cents; 20,000 labels, $120	120 20	
	70 quires circulars	104 05	
			291 45
Wm. R. Harrison	52 boxes for documents		58 95
J. Striker & Co	Volume 6, Striker's American Register		2 50
Wm. H. Prentiss	Cartage, $12 25; hack hire, $3; taste, $2 58.		18 75
Wm. A. Faherty	Packer for the quarter		250 00
Anthony Best	Laborer, 1 month		30 00
E. W. Hansell	do		30 00
Charles H. Brown	do		30 00
William Pettibone	Arranging parchment laws, $3; blank book, $1 25	4 25	
	6-quire cap index, $5 50; morocco tags, $6.	11 50	
	Ruling 10 quires medium, $2; binding 6 check books, $3 75	5 75	
	6-quire index, $5 50; 2 scrap books, $5; 2 titles, 50 cents	11 00	
	Binding 31 volumes miscellaneous letters, (MSS.) at $2 50	77 50	
	Binding 13 volumes consular letters, at $2 50.	32 50	
			142 50
Robert Farnham	*1 quart Stephens' writing fluid*	75	
	3½ quires mourning note, 88 cents; 2½ quires letter, 94 cents	1 82	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
R. Farnham—Contin'd.	50 mourning envelopes, 38 cents; 1 dozen Rogers' knives, $18	$18 38	
	1 ream patent white blotting paper	9 00	
	1 dozen ivory folders, $3; 1 dozen paper weights, $6	9 00	
	2 patent inkstands, $2 50; 10 reams buff envelopes, $35	37 50	
	1 piece large sponge, 40 cents; 5 pounds linen thread, $3 75	4 15	
	1 bottle copying ink, 50 cents; 50 mourning envelopes, 38 cents	88	
	1 box steel pens, $1 50; 1 bottle Arnold's ink, 31 cents	1 81	
	2 pieces patent rubber, 25 cents; 1 dozen ink erasers, $1 12	1 37	
	1 dozen ivory handled erasers, $3; 12 dozen red tape, $6	9 00	
	12 dozen red tape, $6; 1 gross steel pens, $2.	8 00	
			101 66
Wm. R. Harrison	Panel doors to cases, $23 34; splicing table legs, $2 50	25 84	
	Moving water stand, 50 cents; easing door, 50 cents; measuring charge, 43 cts.	1 43	
			$27 27
L. F. Clark	Restringing 2 Venetian blinds, $2; 22 yards cord, $1 10	3 10	
	Repairing bell tassels and cord for ditto	75	
	Putting down 15 carpets, $22 50; repairing matting, $1	23 50	
	Taking up oilcloth, crash and zinc, and laying passage carpet	5 00	
	Removing furniture out and in 15 rooms, at $1 each	15 00	
	30 papers tacks, $3; repairing sofa, $2 50.	5 50	
	Making morocco cover for globe, and furnishing materials	18 00	
	Covering chair seat with morocco	2 00	
			72 85
John. D. Brown	2 office chairs at $15		30 00
John Tretler	Binding 3 vols. each of Union, Intelligencer, and Republic	27 00	
	Binding Congressional Globe, 5 volumes, at $1 50	7 50	
	Binding foreign papers, 20 volumes, at $4.	80 00	
	Do. New York Journal of Commerce	4 00	
	Do. Courier des Etats Unis	3 00	
			121 50
L. F. Clark	Covering chair seat with cloth	2 00	
	Making carpet for ante-room, $12 81; thread, 63 cents	13 44	
	Hanging 2 Venetian blinds and 4 suits curtains	5 00	
	4 suits of curtains complete for ante-room.	221 55	
	4 window shades for ante-room	12 00	
	Putting down stair carpet, $8 50; under carpet for do., $2 50	11 00	
	2 pieces binding, $1 25; thread, 37	1 62	
	165½ yards Brussels carpet at $1 62½ per yard	268 94	
	Cutting, sewing, and putting down same at 15 cents per yard	24 82	
	1½ pounds thread, $1 88; 160 yards Gowqua matting, $53 33	55 21	
	Sewing and laying matting, including tacks.	17 60	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
L. F. Clark—Continued.	Cleaning, scraping, and preparing 4 rooms for paper	$11 00	
	Paper and hanging same, 4 rooms, including border	101 00	
	Hanging window shade, 25 cents; 9 yards cord and 3 tassels, $2 63	2 88	
	10½ yards oilcloth, $13 12; laying and fitting same, $1	14 12	
	Taking up, cleaning, and relaying carpet	2 00	
	Taking down 6 Venetian blinds, $1; fitting and hanging 2 ditto, $1	2 00	
	8¾ yards English oilcloth, $13 12; fitting and laying ditto, $1	14 12	
			$780 30
C. P. Sengstack	Painting 22 numbers and 6 labels	6 65	
	Painting 3 cases imitation oak, 38½ yards at 75 cents	28 87	
	30 numbers for same, $3 75; painting step-ladder, $1	4 75	
			40 27
William Pettibone	Lettering 10 vols. laws, $1 25; repairing book, 37 cents; 2 scrap books, $8	9 62	
	Binding 2 vols. parchment laws, $10; 8 quires cap index, $5	15 00	
	Binding 22 vols. manuscript letters, $73; 15 cap indexes, $21	94 00	
	Ruling and binding 3 quires medium, $3; morocco tags, $6	9 00	
	Binding 135 vols. laws, $101 25; 12 letter-boxes, $15	116 25	
	8 titles and cutting index, $2 50; 4 quires demy ruled, $9	11 50	
	3 6-quire demy books, ruled red and feint	36 00	
	12 6-quire demy books, full bound, Russia trimmed	144 00	
	Binding in full calf 17 vols. letters from ministers	59 50	
			494 87
Robert Ball, jr.	Postage on letters for quarter		75
R. Armstrong	Advertising deaths American citizens		8 00
Wm. P. Faherty	Aiding in arranging books in library		150 00
James J. Brenton	Advertising death American citizen		1 00
Howard Lindsley	½ dozen brass head nails	13	
	¼ dozen floor brushes, $3 75; ½ dozen ditto, $5 25	9 00	
			9 13
Charles H. Brown	Washing 6 dozen towels		4 50
John Crome	Opening and repairing lock, 25 cents; 5 keys, $1 25	1 50	
	Large envelope pattern, $1 50; hasp and key for trunk, 38 cents	1 88	
	2 keys, 50 cents; screw-driver, 37 cents; key, 25 cents	1 12	
	Opening lock and new key, 38 cents; repairing 2 door locks, $1	1 38	
			5 88
Charles H. Brown	Washing 6 dozen towels		4 50
Anthony Best	1 jar of gum, $1; 100 port-folio envelopes, $1 50 dispatch envelopes	2 00 50	
			2 50
Wm. H. Prentiss	Postage, $1 38; cartage, $3 68; hack hire, $5 50	10 56	
	Brush, paste, cotton, &c., $1 09; freight, $3 50	4 59	
			15 15

A—Continued.

To whom paid.	For what object.	Amount.	Total.
George Garrison	Whitewashing 4 ceilings		$4 00
W. G. Clark & Co	Advertising death American citizen		2 00
Wallach & Hope	Advertising deaths American citizens		9 00
W. Lacy & Co	....do....do....do....do		2 00
C. W. Boteler	1 gas torch, $1 25; 6 goblets, $2 25		3 50
Leonard Scott & Co	Westminster Review for 1850		3 00
John Miller	Westminster Review, 6s.; Quarterly Review, 6s	£0 12s. 0d.	
	Blackwood's Magazine, 7s. 6d.; Edinburg Review, 6s	13 6	
	Hansard's Debates, vol. 126	1 10 0	
	At 47½ pence to the dollar	2 15 6	13 85
Thos. Aspinwall	Sundry Parliamentary papers		14 01
Santo. Nigra d'San Martin	Map of New Leon		6 00
Little & Brown	Subscription to North American Review, 1 year		5 00
S. Clark	Monk's map of North America		7 00
John Miller	Backwood's Magazine, 7s. 6d., Colonial Journal, 3s	£0 10s. 6d.	
	Westminster, Edinburg, and Quarterly Reviews, each 6s	0 18 0	
	Annual Register, 18s.; Hansard's Debates, vols. 127 and 128, £3	3 18 0	
	Philosophical Transactions, part 2, 1852, and parts 1 and 2, 1853	3 15 0	
	Imperial Calender, 1854, 5s.; British Almanac, 1854, 4s	0 9 0	
	Statutes of the United Kingdom, 16 and 17 Vic., octavo	1 11 6	
	Statutes of the United Kingdom, 16 and 17 Vic., quarto	2 0 0	
	Carriage of bag to Liverpool for dispatch agent	0 3 8	
	At 47½ pence to the dollar	£13 5 8	67 11
John Livingston	2 copies Law Register		4 00
C. Mortimer	Subscription to Southern Quarterly Review		5 00
Silliman & Dana	Silliman's Journal, Nos. 13, 14, 15, and 16		10 00
Lippincott, Grambo, & Co	Types of Mankind		5 00
Wm. Pettibone	Lettering 128 sets laws, 10 volumes each—1,280 volumes		160 00
J. Franklin Pierce	Freight on 16 cases to San Francisco		91 37
Adams & Co	Freight and charges on 299 boxes	2,263 15	
	Commission on 299 boxes, at 50 cents	149 50	
			2,412 65
Howard Lindsley	1 keg nails		5 50
Brigham Young	Freight and charges on 2 boxes to Great Salt Lake City		84 62
Wm. P. Faherty	Packer and proof-reader one quarter		250 00
Josiah Melvin	24 days' services assisting in the publication of the laws		96 00
Anthony Best	Laborer one quarter		90 00
Charles H. Brown	.....do		90 00
E. W. Hansell	.....do		90 00
Russell, Waddell & Co.	Freight and charges on six boxes to Fort Union, New Mexico		136 74
Wm. H. Prentiss	Cartage on laws and documents		6 25
C. P. Sengstack	Painting cases in packing-room		33 55
W. R. Harrison	25 boxes for laws		21 75
W. G. Clarke & Co	Subscription to Mobile advertiser one year		10 00
Edmund Farren	*Subscription to Le Republican, two copies eight months*		10 68

A—Continued.

To whom paid.	For what object.	Amount.	Total.
Courier des Etats Unis..	Subscription one year.....	.....	$8 00
Picayune, N. O.....	.....do.....	.....	12 00
Morning Courier and New York Enquirer..	Subscription to, 1 year.....	.....	10 00
Charleston Courier.....	....do.....18 months.....	.....	15 00
Jasper Harding.....	....do.....to Pennsylvania Inquirer, 2 y'rs	.....	16 00
B. R. McKennie & Co..	....do.....to Nashville True Whig, 4 y'rs	.....	20 00
A. O. P. Nicholson	....do.....to Daily Union, 4 copies, 1 y'r .	.....	40 00
Dobbin & Fulton.....	....do.....to American and Commercial Advertiser, 1 y'r.....	.....	8 00
W. F. & T. Ritchie....	Subscription to Richmond Enquirer, 1 y'r ...	.....	7 00
H. A. Klopper	One set, 5 vols., Opinions of Attorneys Generals	.....	15 00
John Miller	Allison's History of Europe, vol. 11.....	£0 15s. 0d.	
	Parkyn's Life in Abyssinia, 2 vols.....	1 10 0	
	Moore's Life and Correspondence, vols. 5 and 6.....	1 1 0	
	At 47½ pence to the dollar.....	£3 6 0	16 67
John S. Hollingshead ..	Life of Randolph, 1 vol.....	.....	1 50
Chas. H. Brown.....	Washing 6 dozen towels at 75 cents	.....	4 50
Wm. H. Prentiss.....	Freight, $1 50; cartage, $10 50; paste, 59c..	$12 59	
	Omnibus 98 cts.; candlesticks $3	3 98	
			16 57
E. A. Laub.....	1 dozen best whisps	.....	2 75
John F. Ellis.....	3 office baskets.....	.....	2 25
J. & E. Brooks	Advertising death of American citizen.....	.....	2 40
Anthony Best	Stamping envelopes, $6 66; making 2,500 envelopes, $12 50	19 16	
	Making 112 portfolio envelopes	1 25	
			20 41
C. S. Whittlesey	German reading lamp, $5; wicks, 25 cts...	5 25	
	½ gallon sperm oil, 81 cents; ½-gallon can, 38 cents.....	1 19	
			6 44
Calvin Ames.....	Furnishing horse for quarter.....	.....	62 50
Wm. H. Prentiss.....	Furnishing carryall for quarter.....	.....	30 00
Chgett & Dodson.....	50¾ yards velvet carpet, at $2 25.....	114 19	
	1 rug, $25; 37 yards ingrain carpet, at $1, $37.....	62 00	
	4½ dozen stair rods, at $8, $32 67; 1 paper screws, 63 cents.....	33 30	
			209 49
Wm. F. Bayly	6 inkstands, $6; 2 bottles copying ink, 75 cents.....	6 75	
	1 blank book.....	38	
			7 13
Abraham Somerville ...	Laborer	.....	4 25
James J. Martin.....	Laborer the quarter.....	.....	90 00
Wm. J. Osborn	.....do.....	.....	90 00
J. W. Prender	.....do.....	.....	90 00
B. Chambers	Engraving 4 plates and printing 9,094 envelopes.....	45 47	
	Paper and printing 280 fac simile Declaration of Independence	281 50	
			326 97
Robert Farnham.....	1 dozen French erasers.....	3 50	
	1 dozen paper cutters, $2 50; 10 lbs. seine twine, $3 75.....	6 25	
	2 gross steel pens, $4; 4 packs enamelled cards, $1.....	5 00	
	2 bottles Stevens' fluid, $1 50; 1 ream blotting paper, $2.....	3 50	
	1,000 large wafers, $3 75; ½ dozen rulers, $3.....	6 75	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
R. Farnum—Continued	100 cream laid envelopes, 75 cents; 2 quires mourning note, 50 cents	$1 25	
	¼ ream mourning note, $1; 1 dozen boxes transparent wafers, $1 50	2 50	
	500 note envelopes, $1 50; 10 reams cream laid letter, $40	41 50	
	10 reams assorted note paper	25 00	
	1 dozen sheets super royal writing paper	50	
	1 gross lead pencils, $7 50; 2 gross blotting boards, $11	18 50	
	2 dozen Rodgers' knives, $36; 10 reams super envelopes, $35	71 00	
	4 reams super royal writing paper	80 00	
	6 packs blank cards, $1 50; 1 office bell, $2 50	4 00	
	1 dozen M. & N. ink, $3; 12 pounds sealing wax, $15	18 00	
			$287 25
Hooe, Brother & Co.	75 yards black cambric, $7 50; 1 paper pins, 13 cents	7 63	
	12 pieces tape, 75 cents; 1 pair blankets, $1 75	2 50	
	111½ yards green cambric, $13 94; 80 yards matting, $30	43 94	
			54 07
Abraham Somerville	Laborer 1 month, $30; 3 pecks salt, 50 cts		30 50
J. W. Prender	Laborer 1 month		30 00
L. F. Clark	Fitting, trimming, and hanging blinds	4 00	
	Nailing zinc around stoves, $1; copper tacks, $1	2 00	
	Hanging two suits curtains, $2; 2 window shades, $6	8 00	
	Fitting, altering, and putting down two old carpets	4 00	
	Hanging curtains, $2 50; fitting carpet round cases, $1	3 50	
	42½ yards tapestry carpet, $1 75 per yard	74 37	
	Making and putting down same, at 15 cents per yard	6 38	
	2 suits window curtains complete	80 00	
			182 25
C. P. Sengstack	Painting twenty-nine numbers at 10 cents	2 90	
	Painting case in library, $2 30; sign "roll office," $3	5 30	
			8 20
John D. Brown	1 office table		15 00
Wight & Crosby	6 mahogany chairs, stuff seat	39 00	
	1 mahogany chair, corner etagere	18 00	
			57 00
James J. Martin	Laborer the quarter		90 00
John McGuire	Laborer 2 months		60 00
Wm. J. Osborn	....do....do		60 00
S. Kirby	Repairing and varnishing two cases	3 00	
	Repairing and varnishing table and desk, and covering with cloth	20 00	
	Easing four drawers and three doors, 87 cents; 1 drawer, $2	2 87	
	Putting on two locks and fitting key, $2; high table and steps, $12 75	14 75	
	Repairing and varnishing two desks and covering with cloth, $14; lock on desk, 75 cents	14 75	
	Fitting case on desk, $1 50; repairing and varnishing two chairs, $3	4 50	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
S. Kirby—Continued...	Covering two chairs with leather and hair cloth	$5 50	
	Repairing chair, 50 cents; six arm chairs, $18; lock on clock, $1	19 50	
	Repairing two chairs, $1; repairing and varnishing fire screens, $3 50	4 50	
	High desk and case, $55; sofa, $45; four chairs, $120	220 00	
	Moving furniture, $6; fitting key to lock, 50 cents	6 50	
	Repairing and varnishing large case, $4 50; moving large cases, $10	14 50	
	Fire screen, $7; repairing and varnishing table and case, $6	13 00	
	Covering large table with cloth, $10; fitting key to lock, 50 cents	10 50	
	Cartage, $1 50; repairing and varnishing case, $4; eight numbers, $1	6 50	
	Repairing and varnishing three large cases, $50; cartage, $7	57 00	
	New pine case, $45; repairing old cases, $6	51 00	
	Shelves in iron safe, $1; partitions in and top to box, $5 75	6 75	
	Repairing and varnishing table and covering with cloth, $13; cartage, $1	14 00	
	Repairing and varnishing chair, $1 25; repairing and varnishing table and covering with cloth, $9	10 25	
	New moulding on table, and repairing castor, $1 50; coat-hook, 50 cents	2 00	
	Large walnut case, $70; large arm chair, $25	95 00	
	10 numbers, $1 25; fixing clock to wall, 50 cents; repairing two case doors, $1 50	3 25	
	Fitting key to lock, 50 cents; 1 large lounge, $35	35 50	
			$635 12
Wm. H. Prentiss	Paste, 2 cents; omnibus, $2; freight, $5; cartage, $4 75	11 96	
	Telegraphing	1 17	
			13 13
John Crome	New key and repairing lock, 50 cents; five numbers, 62 cents		1 12
Charles H. Brown	Washing six and a half dozen towels, at 75 cents per dozen		4 87
Patterson & Nairn	Alcohol, 25 cents; gum, 25 cents; chamoise skin, $1 25		1 75
Anthony Best	Washing four pairs window curtains, taking off and putting on gimp	3 50	
	Washing two pairs lace curtains	1 00	
			4 50
Howard Lindsley	½ dozen sweeping brushes, $6 50; 1 brace, 75 cents	7 25	
	½ dozen brushes, $4; ½ dozen key-rings, $1	5 00	
			12 25
John Crome	10 numbers for keys		1 25
M. W. Galt & Bro	Repairing two clocks		30 00
Julian, Gaunt & Co.	Advertising death of American citizen		2 00
F. Masi & Co	Repairing clock, $5; attending clocks one year, $30		35 00
R. Armstrong	Advertising deaths of nine American citizens	5 00	
	Advertising precautions against cholera	13 00	
			18 00
C. S. Fowler & Co.	*2 white granite ewers*		1 25

A—Continued.

To whom paid.	For what object.	Amount.	Total.
Wm. H. Prentiss.....	Presents to newsboys, $3; magazine, 25 cts.	$3 25	
	Omnibus, $1 85; gum, Almanac, &c., 30 cents.....	2 15	
	Freight, $4; cartage, $4 25.....	8 25	
	Porterage, books to capitol.....	25	
			$13 90
Donn & Brother.....	1 china jar, 50 cents; 1 stone pitcher, $1 25.	1 75	
	1 waiter.....	1 75	
			3 50
Beals & Greene.....	Advertising deaths of three citizens.....	4 50	
	Advertising notice to claimants convention with Portugal.....	2 00	
			6 50
L. H. & G. C. Schneider	Repairing three pair of tongs, $1 37½; repairing stencil plate, 50 cents.....	1 87	
	Repairing and picking lock.....	50	
			2 37
Charles H. Brown.....	Washing six and a half dozen towels, at 75 cents per dozen.....	.....	4 88
C. S. Whittlesey.....	½ gallon sperm oil, 81 cents; lamp chimney, 25 cents.....	.....	1 06
Wm. Mann.....	2 patent metallic dampers.....	5 00	
	6 oil papers and box.....	75	
			5 75
Wallach & Hope.....	Advertising deaths of American citizens....	12 00	
	Emigrant circular.....	1 50	
	Information of abandoned ships.....	2 00	
			15 50
Wm. H. Prentiss.....	Omnibus, $1; freight, $6; gum, paste, and porterage, $1 66.....	8 66	
	Stationery.....	1 00	
			9 66
Swain & Sherwood....	Advertising death of American citizen.....	.....	1 50
Charles H. Brown	Scouring stairs.....	.....	2 00
C. S. Fowler & Co.....	½ dozen white granite basins and ewers.....	9 00	
	½ dozen keelers, $3; 1 dozen tumblers, $2 25; soap cup, 25 cents.....	5 00	
			14 50
Scott & Bascom.....	Advertising deaths of two citizens.....	.....	3 00
Charles H. Brown.....	Washing 7 dozen towels, at 75 cents per doz.	.....	5 25
Scott & Bascom	Advertising deaths of three citizens.....	.....	1 00
Thos. C. Byrne.....	25 japanned tin match boxes.....	4 88	
	1 gross matches, wood boxes.....	3 00	
			7 88
Wm. H. Prentiss.....	Postage, $1; omnibus, $1 50; Freight, $4.	6 50	
	Telegraph, $5; cartage, $1 88.....	6 88	
			13 38
George Savage.....	5 papers stove blacking, and brush.....	.....	1 00
Holden & Sanborn.....	Advertising death of American citizen.....	.....	1 50
William Butterfield	Advertising death of American citizen.....	.....	1 00
Wm. B. Butt.....	Six ounces of sponge.....	.....	1 63
Calvin Ames	Furnishing horse for quarter.....	.....	62 50
Wm. H. Prentiss.....	Furnishing carryall and carrying mail for quarter.....	.....	30 00
Charles H. Brown	Washing seven dozen towels, at 75 cents...	.....	5 25
C. S. Whittlesey.....	Half-gallon sperm oil.....	.....	81
Wm. Pettibone.....	Twelve days' services arranging manuscript letters, 75 vols.....	.....	30 00
B. R. McKennie & Co .	Advertising death of American citizen	.....	2 00
C. & E. Comstock	....do.....do.....do.....	.....	1 00
Thos. Baillie & Co.....	....do.....do.....do.....	.....	1 00
A. O. P. Nicholson....	....do.....do.....do.....	20 50	
	Ruling one thousand passenger blanks.....	6 00	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
A.O.P. Nicholson—Con.	Nine copies Union, 25 cts.; 12 slips proposals for stationery, 25 cents	$0 50	
	Advertising proposals for stationery	21 50	
			$48 50
Wallach & Hope	....do.....do.....do.....		22 50
Wm. H. Prentiss	Postage, $3; omnibus, $7 45; freight, $14 39	24 84	
	Cartage, $10 50; map, gum, &c., $4 75; oil, &c., $4 88	20 13	
	Furnishing carryall, and carrying mail for quarter	30 00	
			74 97
Chas. H. Brown	Washing twenty doz. and ten towels at 75 c.		15 63
Calvin Ames	Furnishing horse for quarter		62 50
Josiah Melvin	Seventy-seven days' services assisting in reading proof of laws		308 00
Wm. P. Faherty	Proof reader and packer for the quarter		250 00
E. W. Hansell	Laborer the quarter		90 00
Anthony Best	....do.....do		90 00
Chas. H. Brown	....do.....do		90 00
W. A. Scott	Laborer, from February 4, to March 31	55 00	
	Coopering twenty-four boxes at 12½ cents	3 00	
	Altering twenty-one boxes at 18¾ cents	3 94	
			61 94
Wm. P. Faherty	Furnishing paste for six months		2 50
Thos. Birch	Nine hundred and eighty-three and five-twelfths feet beaded shelving at 12 cents	118 01	
	Six mitred laps, 30 cents; one hundred and seventy-one cleats, $5 98; two ogee brackets, 30 cents	6 58	
	Half measurement charge	1 87	
			126 46
W. A. Scott	Coopering two boxes and altering nine boxes		3 99
Thos. Birch	Thirty-three boxes at $1 75, $57 75; half measurement charge, 57 cents		58 32
Wm. H. Prentiss	Freight and cartage laws and documents		29 75
Wm. P. Faherty	Proof reader and packer for the quarter		250 00
Josiah Melvin	78 days' services, assisting in reading proof of the laws		312 00
Anthony Best	Laborer for the quarter		90 00
E. W. Hansell	.....do.....do		90 00
Chas. H. Brown	.....do.....do		90 00
W. A. Scott	.....do.....do	90 00	
	Coopering 36 boxes	3 60	
			93 60
Donn & Bro	1 brush box, 63 cents; 1 set fire irons and stand, $11 50		12 13
R. Farnham	1 dozen M. & N. ink, $3; 1 diary for 1854, $1 25	4 25	
	8 reams medium writing paper, $64; 200 mourning envelopes, $1 50	65 50	
	1 ruler, 62 cents; 1 dozen carmine ink, $3; 2 gross steel pens, $4	7 62	
	1 dozen silk taste, $1 50; 2 cards pens, 50 cents; 1 ream laid cap, $4 50	6 50	
	1 pound red wafers, 75 cents; 5 pounds seine twine, $1 87; 3 pounds linen thread, $2 25	4 87	
	12 dozen lead pencils, $7 50; ¾ ream mourning note paper, $2 25	9 75	
	3 Whitney's patent inkstands, $3 75; 8 packs blank cards, $2	5 75	
	6 dozen lead pencils, $3 75; 1 dozen silk taste, $1 50	5 25	
	½ ream *mourning note, $2; ¼ ream mourning letter, $2 25*	4 25	

A—Continued.

To whom paid.	For what object.	Amount.	Tot
R. Farnum—Continued.	300 damask envelopes, $1 12; 1 dozen silk taste, $1 50	$2 62	
	650 mourning envelopes, $3 62; 6 memorandum books, 90 cents	4 52	
	6 dozen silk taste, $9; 1,000 heavy official envelopes, $13	22 00	
	6 Draper's inkstands, $7 50; 1 ream note paper, $2 50	10 00	
	1 dozen M. & N. ink, $3; 2 pounds white wafers, $2	5 00	
	½ dozen red lead pencils, 12 cents; 3 gold pens, $6	6 12	
	1,000 notarial wafers, $1; porcupine penholder, 25 cents	1 25	
	1 gross pens, $2; 12 dozen red tape, $6	8 00	
Taylor & Maury	1 port folio, $1 75; 2 large indexes, $2 50	4 25	$1
	2 full-bound blank books	6 50	
William Pettibone	Lettering 48 titles, $12; 2 alphabets, $4	16 00	
	2 5-quire scrap books, $7; 10 parchment tags, 62 cents	7 62	
	Repairing index, 25 cents; 6-quire demy record book, $10	10 25	
	Binding 1 volume disbursements, 63 cents; cap index, 50 cents	1 13	
	8-quire 4to full bound, $8; morocco tags, $2	10 00	
	Ruling 1 quire paper, 50 cents; ruling and binding commissions to consuls, $7	7 50	
	250 labels, $31 25; binding ½ Russia 3 volumes register of letters, $9	40 25	
	Lettering 1 set laws, $1 25; mounting and varnishing map, $2 50	3 75	
	Binding 2 volumes folio full Russia	7 00	
	6-quire demy index, full bound, $11; binding 1 volume laws, 50 cents	11 50	
	Binding 1 volume consular instructions	1 00	
	Backing and mounting 2 tabular statements.	4 00	
	Inserting letters in bound volumes of 1850, '51, and '52	2 00	
	4-quire medium, full bound, $9; 3-quire medium, full bound, $4 50	13 50	
	Lettering 3 sets laws, $3 75; stitching documents, 25 cents	4 00	
	Binding 98 volumes MSS. letters, at $2 50.	245 00	
	Printing labels, 50 cents; binding Union and Intelligencer, $6	6 50	
	2 folio post portfolios	5 00	
Anthony Best	Making 480 portfolio envelopes, at $2	9 60	3
	Making 2,575 letter envelopes, at 2 cents	12 87	
Thomas Birch	Bracing and fixing bindery press, $2; hat hook, 50 cents	2 50	
	Repairing case, 50 cents; sharpening saw, 25 cents	75	
	Easing doors to cases, $1; step ladder, $3	4 00	
Wm. F. Bayly	1 inkstand dish		
C. W. Boteler	2 ice pitchers		
M. H. Stevens & Co	1 ice pitcher		
John D. Brown	1 office table, $35; 1 desk, $15	50 00	
	1 set union chairs	36 00	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
L. F. Clark	Hearth rug, $13; hanging Venetian blind, 50 cents	$13 50	
	Fitting and putting down carpet and matting	3 50	
	Repairing window shade, 50 cents; laying oil cloth, $2 50	3 00	
	2 large window shades, $9; tobacco for carpets, $4	13 00	
	Taking up 14 carpets and packing away	28 00	
	Taking up passage carpet and packing away.	5 00	
	Taking down 10 suits curtains and packing away	10 00	
	Taking up stair rods and step carpet	2 00	
	Covering 14 cornices with tissue paper	1 75	
	Tissue paper, $1; 10 papers of tacks, $1	2 00	
	Putting down linen and oil cloth in passage.	2 00	
	2 small cushions for chair	1 00	
			$84 75
Clagett & Dodson	1 table cloth		5 00
Wm. J. Osborn	Laborer for the quarter and 7 days		97 00
John McGuire	Laborer for the quarter		90 00
James J. Martin	....do....do		90 00
R. Farnham	2 Gazeteers United States		8 00
T. Riley	4 copies Post Office Directory		2 00
John Miller	Westminster, Blackwood's, Colonial, Edinburgh, and Quarterly Reviews	£1 8s 6d.	
	Dod's Parliamentary Companion	9 0	
	Hansard's Debates, vol. 129, with index	1 19 0	
	At 47½ pence to the dollar	3 16 6	
			19 33
Wm. M. Morrison & Co.	30 Congressional Directories	11 25	
	Wheaton's Reports, vol. 1	4 25	
			15 50
H. S. Sandford	French books		39 37
Taylor & Maury	Revue des deux Mondes for 1853 and '54	24 00	
	Annuaire for 1853 and '54	4 00	
	Jefferson's Works, 4 vols	10 00	
	Calhoun's Works, 3 vols	7 50	
	Coole's Index, $6; print of Gen. Pierce, $2.	8 00	
			53 50
John Miller	Life and Letters of Lady Russell, 2 vols	£0 15s. 0d.	
	Montague Essays, 15s.; Tennyson's Castile and Australia, £2 2s	2 17 0	
	Frontier lands of Christian and Turk	1 8 0	
	Memoirs of Mary of Burgundy	10 6	
	Byzantine Empire, 12s. 6d.; Greece under the Romans, 16s	1 8 6	
	Greece from its Conquest by the Crusaders to its conquest by Turks	12 0	
	Life in Sweden, £1 1s.; Classic and Historic Portraits, £1. 1s	2 2 0	
	Castlereagh Papers, 3d series	2 16 0	
	Niebuhr's Lectures on Ancient History and Ethnography	2 12 6	
	Memoirs of the Princess Palatine, 10s. 6d.; Early History of Yucatan, 10s. 6d	1 1 0	
	Comparison between British and United States Constitutions	9 6	
	Hertslett's Treaties, 8 vols., £8 5s.; Parker's Religious Discourses, 4s	8 9 0	
	Packing box *and carriage to Liverpool*	11 4	
	French and English and English and French *Dictionary, 2 vols. 4to*	3 3 0	

A—Continued.

To whom paid.	For what object.	Amount.	Total.
JohnMiller—Continued.	Russia's shores of the Black Sea, 14*s.*; English Synonymes, 15*s*.....	£1 9*s.* 0*d.*	
	Translation of Grotius on rights of Peace and War.....	14 0	
	Memoirs and Correspondence of Fras. Hamer, £1 10*s.*; Correspondence of Poet Gray, 15*s*.....	2 5 0	
	Travels in Bolivia, £1 1*s.*; Sauley's Discoveries, £1 10*s*.....	2 11 0	
	Germany as it is, 7*s.*; Courts of James I and Charles I, 18*s*.....	1 5 0	
	Diary and Memoirs of Sophia Dorothea, consort of George I.....	7 6	
	Correspondence of David Garrick, 16*s.* 6*d.*; carriage to Liverpool, 4*s.* 10*d*.....	1 1 4	
	At 47½ pence to the dollar	38 8 2	$194 06
Wm. Pettibone.....	Binding 1 vol. Types of Mankind	$1 50	
	Binding 1 vol. Foreign State Papers.....	75	
	Binding 46 vols.—3 quarto and 43 octavo ..	36 75	
			39 00
John S. Hollingshead ..	1 copy Benton's Thirty Years' View, vol. 1.	.....	2 50
Samuel Owen	1 copy Imperial Dictionary.....	.....	24 25
Wm. M. Morrison & Co.	Wilkinson's Dalmatia, 2 vols.....	6 50	
	Ranke's History of Prussia, 3 vols.....	5 00	
	Dani's Historia de Venise, 9 vols.....	18 00	
	Southey's Correspondence, 6 vols.....	24 00	
	Encyclopædia Britanica, vols. 1, 2, 3, and 4.	22 00	
			75 50
Abel French	Memoirs de St. Simon, 20 vols.....	.....	20 00
	Total	.....	30,767 86

B.

Statement of the balances of the appropriation for the contingent expenses of the office of the Secretary of State, including printing and publishing the Laws, remaining in the Treasury on the 30th June, 1854, and in the hands of disbursing agent.

Balance remaining in the Treasury	$24,970 61
Balance remaining in the hands of the disbursing agent	14,463 05
Total	39,433 66

C.

Analytical Statement of all the moneys disbursed by the agent of the Department of State, during the fiscal year ending 30th June, 1854.

For contingent and incidental expenses of the Department of State, including publishing and distributing the laws and documents, &c.	$30,440 51
Salaries of the Secretary of State, Assistant Secretary of State, and of the clerks, messenger, and assistant messenger in his department	39,723 27
Salaries of the superintendent and watchmen of the north-east Executive building	2,250 00
Contingent expenses of north-east Executive building	3,580 80
Contingent expenses of all the missions abroad	1,679 15
Contingent expenses of foreign intercourse	36,741 43
Purchase of works for the library of the department	481 35
Compiling the biennial register	500 00
Contingent expenses of commission of claims against Mexico	4,475 28
Expenses of rescuing citizens of the United States from shipwreck	1,280 89
Compensation to clerk employed during recess	432 00
Per centages to messengers, packer, watchmen, and laborers	1,424 80
	123,009 48

D.

Statement of expenditures from the fund for the contingent expenses of foreign intercourse from December 1, 1853, to November 30, 1854, inclusive; made agreeably to the second section of the act of May 9, 1836, entitled "An act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and thirty-six."

To whom paid.	For what object.	Amount.
W. H. Kelly	Consul at Tahita, expenses on 2 boxes	$43 43
C. W. Dennison	Consul at Demarara, stationery	33 37
A. B. Corwine	Consul at Panama, postages and binding letters	175 98
Reuben Wood	Consul at Valparaiso, blank-books, stationery, &c	39 55
Z. K. Offutt	Lettering trunks for legations	4 50
Wm. H. Prentiss	Telegraphing, postages, hack-hire, and omnibus	12 14
Reynold Frenckell	Consul at Helsingfors, postages and freight	33 90
C. B. Hill	Copying and collating	83 30
A. B. Corwine	Consul at Panama, flag-staff and signal-halyards	40 00
Daniel Campbell	Mail-bag and canvas cover for trunk	9 00
J. and E. Brooks	Advertising notice to claimants	2 00
Charles F. Ryan	Consul at Copenhagen, postages	13 40
Chas. W. Davis	Copying	55 08
Edmund Flagg	Late consul at Venice, loss by exchange on draft	8 97
S. Swartwout	Boarding Major Mordecai and party	257 73
Thomas M. Foote	Transportation of official documents	10 00
Calvin Ames	Expenses to Baltimore and back with dispatches	5 00
Wm. H. Prentiss	Omnibus, hack-hire, freight, postage, cartage, and telegraph	15 15
J. S. K. Ogier	Professional services and travelling expenses	780 00
Saml. R. Glen	Dispatch agent, Boston, salary and expenses	216 75
J. F. Pierce	Dispatch agent, New York, salary and expenses	439 98
George W. Fletcher	Consul at Aspinwall, stationery	36 50
R. Armstrong	Advertising, President's message, and daily Union	77 25
Benj'n Chambers	Printing, from plate, 468 exequators	29 25
Wm. H. Prentiss	Postage, omnibus, freight, and hack-hire	15 34
Franklin Chase	Consul at Tampico, postages	124 68
G. S. Holmes	Consul at Cape Town, postages	69
John Miller	Dispatch agent, London, postage, freight, &c	1,020 72
J. C. Bates	Consul at Aix la Chapelle, record books, stationery, and postage	81 67
Thomas W. Ward	Consul at Panama, record books, stationery, freight, and charges	282 80
Hyppolite Roques	Consul at Nantes, freight on Statutes at Large	4 08
Wallach & Hope	Advertising	37 50
Wm. H. Prentiss	Postage, omnibus, freight, &c	16 02
B. Chambers	Printing	15 00
Gales & Seaton	Advertising and subscription to National Intelligencer	195 37
J. Houghton	Expenses and services preparing a report on the settlement of the "Mesilla,"	50 00
C. D. Arfwedson	Consul at Stockholm, postages and freight	38 56
L. A. Moe	Making cotton dispatch bags	12 50
Wm H. Prentiss	Omnibus, freight, &c	9 71
Gales & Seaton	Subscription to National Intelligencer	25 00
Wm. Tudor Tucker	Late consul at Bermuda, stationery, &c	83 03
C. P. Sengstack	Lettering trunks	3 00
L. A. Moe	Making cotton dispatch bags	31 25
R. Wood	Consul at Valparaiso, postages	25 50
John F. Pickett	Consul at Vera Cruz, stationery	9 00
S. R. Glen	Dispatch agent, Boston, expenses	82 50
C. L. Ward	Compensation and expenses as special messenger to Mexico and back	1,526 25
George W. Lippitt	Consul at Vienna, postages, freight, &c	7 20
Wm. H. Robertson	Vice consul at Havana, postages, &c	31 23
W. S. H. Newman	*Consul* at St. Johns', stationery, &c	25 83

D—Continued.

hom paid.	For what object.	Amount.
'. Angel.....	Consul at Honolulu, stationery, &c.....	$65 32
ıett.....	Consul at Naples, postages, &c.....	8 98
.....	Consul at Talcahuana, postages, &c.....	28 03
ıabler.....	9 consular presses.....	414 00
tcliffe.....	Professional services.....	200 00
ıy.....	Leather dispatch bags.....	21 00
y.....	Consul at Bombay, postages, &c.....	185 96
Birch.....	Making boxes for flags.....	17 50
Glen.....	Dispatch agent, Boston, salary and expenses.....	262 63
›ers.....	Engraving plate and printing.....	5 00
ne.....	Making new keys for dispatch bags.....	1 50
ton City Post	Postage to South America.....	95 40
ıford.....	Secretary of legation at Paris, subscription to newspapers.....	15 00
in Pierce.....	Dispatch agent, New York, salary and expenses.....	296 85
Vesey.....	Consul at Antwerp, postages.....	8 90
e.....	Making cotton dispatch bags.....	8 62
n Robertson..	Consul at Trieste, postages and stationery.....	117 50
debrand.....	Consul at Bremen, postages, &c.....	3 94
mith Lee.....	Consul at Basle, stationery, &c.....	29 14
lcRae.....	Consul at Paris, postages, &c.....	68 82
borne.....	Consul at Liverpool, dispatch agent expenses.....	309 06
tibone.....	Record books for consuls.....	305 25
Kahl.....	Late consul at Bordeaux, stationery, &c.....	117 63
bers.....	Engraving plates and printing.....	48 00
Rainals.....	Consul at Elsinore, postages and freight.....	21 22
& Hope.....	Advertising.....	93 00
Nicholson....	Subscription to the Union.....	158 50
tler.....	Binding executive documents.....	387 50
lozier.....	Consul at Ancona, postages, &c.....	86 00
Osborn.....	Compensation and expenses to and from New Orleans.	287 72
radley.....	Late consul at Amoy, stationery, &c.....	19 00
I. Hamilton...	Consul at Montevideo, flag.....	10 00
Obermayer....	Consul at Augsburg, freight, &c.....	13 00
A. Parker.....	Expenses procuring information at Havana.....	252 00
nurber.....	Advertising.....	14 50
M. Ringgold...	Consul at Paita, flag.....	21 00
W. Ward.....	Consul at Panama, freight, &c.....	65 49
H. Gorendie...	Consul at Zurich, press, consular seal, &c.....	30 12
Camp.....	Commercial agent at Samoan, stationery.....	94 50
M. Farnum....	Acting commercial agent at Mauritius, flag-staff, &c...	100 31
ttibone.....	Binding foreign newspapers.....	88 00
bers.....	Engraving seal.....	15 00
Nicholson....	Subscription to Union.....	6 75
e.....	Copying maps.....	16 00
W. Ward.....	Consul at Panama, stationery.....	45 72
Winslow.....	Bearer of dispatches to Madrid, compensation and expenses.....	984 50
Newton, May, ...	Brown cotton and thread.....	34 83
er Campbell...	Consul at Martinique, stationery.....	47 00
kett.....	Consul at Vera Cruz, postages, &c.....	69 11
razer.....	Consul at Halifax, telegraphing, &c.....	52 90
lton.....	Bearer of dispatches from Bogota, expenses.....	304 37
Robertson....	Acting consul at Havana, postages, &c.....	83 99
emon.....	20 copies Doc. No. 76, 2d session 32d Congress.....	15 00
bers.....	Printing.....	5 00
ard.....	Late consul at Basle, stationery, &c.....	40 25
ewitt.....	Copying and collating.....	97 51
.....	Making envelopes.....	104 37
mes.....	*Copying and collating*.....	113 53
Worrell.....	*Consul at Matanzas, postages*.....	9 50

D—Continued.

To whom paid.	For what object.	Amount.
E. V. Mason	Copying	$212 54
A. O. P. Nicholson	Advertising, &c	238 92
B. Everett Smith	Consul at Turk's Island, stationery, &c	94 21
Wm. H. Horstmann & Sons	Silver cord for treaties	21 00
R. Wood	Consul at Valparaiso, postages	19 75
Wallach & Hope	Advertising	22 00
W. G. C. Mann	Translating and copying	134 45
Wm. H. Prentiss	Postages, hack, freight, &c	74 27
Robert C. Schenck	Expenses on special missions	3,085 73
Samuel Hein	Expenses of steamer "Corwin," bearing dispatches from Havana	518 50
Thomas Birch	Boxes	15 50
Washington City Post Office	Postage from April 1 to June 30	70 05
Wm. H. Prentiss	Telegraph, freight, &c	25 85
Samuel R. Glen	Dispatch agent, Boston, salary and expenses	285 85
D. McClelland	Engraving plate and printing	10 75
J. F. Pierce	Dispatch agent, New York, salary and expenses	372 40
Edgar Brodhead	Expenses as bearer of dispatches from Alexandria, Egypt	287 00
R. P. Hammond	Cabin passage from San Francisco to Honolulu	60 00
James Bennett	Services of pilot boat "Antelope" with dispatches	100 00
E. S. Offley	Consul at Smyrna, expenses saving documents from fire	150 39
Frederick A. Beelen	Expenses bearing treaty from Central America	215 00
Benjamin Chambers	Paper and printing warrants for seal	35 28
Julius de Brissot	Expenses from New Orleans and back with dispatches	344 75
E. N. Horsford	Professional services analyzing a new variety of guano	240 00
R. Farnham	Stationery	225 00
John Tretler	Executive documents	20 00
Wm. H. Horstmann & Sons	One pair gold and blue treaty tassels	25 00
Washington and New Orleans Telegraph Co.	Transmitting messages	16 50
Wm. Pettibone	Morocco treaty boxes	300 00
Gales & Seaton	Advertising	106 00
Thomas Birch	Dressed box	2 00
Anthony Best	Making envelopes	24 00
R. P. Hammond	Paid by him to R. S. Patterson	350 00
Wm. H. Horstmann & Sons	Silver tassels, cord, and slides	302 00
Wm. E. Stubbs	Treaty seals, &c	120 00
Jos. W. Fabens	Expenses from Boston and back, on public business	83 25
Samuel Lewis	Gold treaty box, hinges, plates, &c., for Japan	1,220 52
Calvin Ames	Expenses to Berkley Springs and back, with treaty	19 65
George P. Todson	Copying treaty	5 00
Wallach & Hope	Advertising	43 50
F. A. Beelen	Expenses to Pensacola on public business	144 00
John W. Ashmead	Professional services	100 00
M. Bartle	Copying maps	12 00
N. Hawthorne	Dispatch agent, Liverpool—compensation and expenses	403 88
Balt. & Ohio Railroad Company	Freight and charges on trunks	1 50
Matthew Horn	Leather trunks and covers	118 50
A. O. P. Nicholson	Advertising, &c	100 75
Samuel Lewis	Silver treaty boxes, clasps, &c	1,354 15
Wm. Pettibone	11 portfolios for treaties	82 50
Gales & Seaton	Subscription to National Intelligencer, &c	136 50
A. O. P. Nicholson	Subscription to Union	10 00
J. F. Pickett	Consul, Vera Cruz—procuring information, &c	244 78
W. E. Stubbs	Freight, telegraph, cartage, &c	41 64
John S. Pendleton	Expenses on special missions	1,900 90
E. V. Sumner	Expenses as bearer of dispatches to Madrid and back	330 79

D—Continued.

To whom paid.	For what object.	Amount.
Washington City Post Office	Postages from July 1, to September 30	$107 14
S. R. Glen	Dispatch agent, Boston—compensation and expenses	282 42
Wm. Pettibone	Morocco treaty boxes	150 00
Samuel Kirby	Rosewood and mahogany boxes for Japan treaty	93 00
J. Franklin Pierce	Dispatch agent, New York—compensation and expenses	453 19
C. P. Sengstack	Lettering trunks, &c	9 00
Graham Calvert	Expenses from Philadelphia, with dispatches from Madrid	15 00
Franck Taylor	American almanacs for legations	33 00
Adams & Co	Freight	113 37
Jo. Severns	Advertising notice	2 75
Adams & Co	Freight	145 00
B. Chambers	Copperplate printing	22 12
Thomas Birch	Boxes	27 00
R. W. Young	Compensation and expenses as bearer of dispatches to Paris and back	827 50
I. D. Andrews	Special agent to the North American Colonies—compensation and expenses	6,998 68
		36,354 65

E.

Statement of the contingent expenses of foreign intercourse, from the 1st December, 1853, to the 30th November, 1854, other than what has been paid by the agent of the Department of State per accounts adjusted at this office, viz.:

Dudley Mann, special agent to Austria, Switzerland, Hungary, and Hanover:		
For the following sum allowed him for compensation as special agent to Austria, Hungary, Hanover, and Switzerland, between the 12th July, 1849, and the 13th July, 1852	$6,584 81	
Amount of his travelling expenses, including amounts paid for translating, copying, printing, binding, &c	631 68	
Loss in exchange, per Report No. 12,757	183 09	
		$7,399 58

TREASURY DEPARTMENT, *Fifth Auditor's Office, December 4, 1854.*

F.

Statement of the contingent expenses of all missions abroad, other than w may have been paid by the agent of the Department of State, as shown the accounts of the United States ministers, chargés d'affaires, and ot diplomatic agents abroad, received and adjusted at this office from July, 1853, to 30th June, 1854, viz.:

John Bozman Kerr, late chargé d'affaires to the republic of Nicaragua:		
For amount of his contingent expenses from the 1st August, 1851, to 30th June, 1853, consisting of postages, expense of courier, flag and staff, expense on box papers from the Department of State, box secured with tin for the papers of the legation, binding, tin covers for preserving papers, hospital expenses of Peter D. Tuppe, funeral expenses of James F. Harper, expenses in giving aid to American soldiers taken prisoners, guard and travelling expenses	$436 38	
Return allowance, Report No. 12,673	1,125 00	
		$1,561
Theodore S. Fay, secretary of legation at Berlin:		
For amount of his loss in exchange, per Report No. 12,693		61
Daniel M. Barringer, late envoy extraordinary and minister plenipotentiary to Spain:		
For amount of his contingent expenses for postage, stationery, newspapers, customary presents, expense of following court to Ildefonso, freight, arms of legation, furniture, removing archives, rent of room	2,189 62	
Loss in exchange	238 80	
Return allowance, Report No. 12,698	2,250 00	
		4,678
Thomas W. Chinn, chargé d'affaires to Naples:		
For amount of his contingent expenses for stationery, per Report No. 12,700		96
Ferdinand Coxe, secretary of legation to Brazil:		
For amount allowed as extra expenses, whilst acting as chargé d'affaires	12 63	
Loss in exchange, per Report No. 12,728	184 21	
		196
Courtland Cushing, chargé d'affaires to Ecuador:		
For amount of his contingent expenses for postage, newspapers, flag and staff, and rent of room	126 93	
Return allowance	1,125 00	
Loss in exchange, per Report No. 12,729	917 58	
		2,169
J. Nevitt Steele, chargé d'affaires to Venezuela:		
For amount of his contingent expenses for postage, stationery, newspapers, office furniture, repairing flag staff	118 08	
Return allowance, per Report No. 12,764	1,125 00	
		1,243
Thomas M. Foote, chargé d'affaires to Austria:		
For his return allowance, per Report No. 12,782		1,125
Robert C. Schenck, envoy extraordinary and minister plenipotentiary to Brazil:		
For amount of his contingent expenses for postage, stationery, newspapers, freight, stamp duties, removing books, &c., repairing flag, and customary presents	189 63	
Return allowance	2,250 00	
Loss in exchange, per Report No. 12,796	1,098 53	
		3,538

F—Continued.

Richard B. Jones, consul general at Alexandria:		
For amount of his contingent expenses for postage, stationery, newspapers, presents, hospital expenses, return allowance, &c.	$2,357 86	
Loss in exchange, per report No. 12816	590 37	
		$2,948 23
Richard H. Bayard, chargé d'affaires to Belgium:		
For amount of his contingent expenses for postage, stationery, newspapers, customary presents, binding, freight, boxes for books	314 81	
Return allowance	1,125 00	
Loss in exchange, per report No. 12824	134 92	
		1,574 73
Joseph R. Ingersoll, envoy extraordinary and minister plenipotentiary to Great Britain:		
For his contingent expenses for postage, office rent, dispatch agent, office messenger, transportation, legation contingencies, newspapers, customary presents, &c.	2,431 51	
Return allowance	2,250 00	
Clerk hire, per report No. 12828	1,477 31	
		6,158 82
Edward Joy Morris, chargé d'affaires to Naples:		
For amount of his contingent expenses for postage, stationery, newspapers, customary presents, freight on books	478 13	
Return allowance	1,125 00	
Loss in exchange, per report No. 12848	797 14	
		2,400 27
Daniel D. Bernard, envoy extraordinary and minister plenipotentiary to Berlin:		
For amount of his contingent expenses for clerk hire, postage, &c.	49 94	
Return allowance	2,250 00	
Loss in exchange, per report No. 12864	413 32	
		2,713 26
Horatio H. Miller, chargé d'affaires to Bolivia:		
For amount of his contingent expenses for postage, stationery, newspapers, freight, flag staff, &c.	217 45	
Return allowance, per report No. ——	1,125 00	
		1,342 45
Luther Severance, commissioner to the Sandwich Islands:		
For amount of his contingent expenses for postage, stationery, newspapers	55 62	
Chartering vessel, &c.	268 00	
Return allowance	1,250 00	
Loss in exchange, per report No. 12938	254 52	
		1,828 14
George Tolsom, chargé d'affaires to the Netherlands:		
For amount of his contingent expenses for postage, stationery, newspapers, customary presents, porterage, and freight	672 07	
Loss in exchange	227 74	
Return allowance, per report No. 12941	1,125 00	
		2,024 81
Henry Shelton Sanford, secretary of legation to France:		
For amount of his contingent expenses while acting as chargé d'affaires, for postage, stationery, newspapers, customary presents, office rent, fuel and light, messenger's wages, insurance, office, repairs, Imperial almanac, and clerk hire	1,878 87	
Loss in exchange, per report No. 12982	204 10	
		2,082 97
Luther Severance, commissioner to the Sandwich Islands:		
For amount of his contingencies for Agricultural Report and sealing-wax	2 50	
Loss in exchange, per report No. 12991	20 00	
		22 50

F—Continued.

Peter Parker, secretary of legation, and interpreter at Canton:		
For amount of his loss in exchange No. 12996	.....	$572 36
William B. Kinney, chargé d'affaires to Sardinia:		
For amount of his contingencies for postage, stationery, newspapers, freight, and customary presents	$677 69	
Return allowance	1,125 00	
Loss in exchange, per report No. 13042	475 32	
		2,268 01
George P. Marsh, minister resident at Constantinople:		
For amount of his contingent expenses for postage, stationery, customary presents, porterage, freight, servant's wages, travelling expenses, removing archives, rent of room, passage of Martin Coszta to the United States	1,398 71	
Contingent expenses of John P. Brown, dragoman at Constantinople	684 34	
Loss in exchange	1,080 53	
Return allowance, per report No. 13048	1,500 00	
		4,663 58
Francis Shrœder, charge d'affaires to Sweden:		
For amount of his contingent expenses for postage, stationery, newspapers, furniture, and customary presents	734 67	
Loss in exchange, per report No. 13096	130 06	
		864 73
Horatio I. Perry, secretary of legation at Madrid:		
For amount of his contingent expenses whilst acting as chargé d'affaires in following the court to St. Idelfonso	624 07	
For postage, stationery, newspapers, &c	112 20	
Loss in exchange, per report No. 13098	248 58	
		984 85
John P. Brown, dragoman at Constantinople, and acting chargé d'affaires:		
For amount of his contingent expenses, for postage, stationery, newspapers, customary presents, boat and horse hire, furniture, repairs, guard, freight, servants, &c	2,842 92	
Loss in exchange, per report No. 13217	715 40	
		3,558 32
Baring Brothers & Co., United States bankers at London:		
For amount lost in exchange on remittances made to them by the Treasurer of the United States, from January 1, 1853, to June 30, 1854, being the difference between £66,242 7s. sterling, remitted—equal to $323,500 44—and the same amount pounds sterling paid out at $4 84 to the pound sterling, making $320,612 97 difference	2,887 47	
For amount paid by them for postage and notarial charges, from January 1, 1853, to June 30, 1854	298 18	
		3,185 65
		53,863 71

TREASURY DEPARTMENT,
Fifth Auditor's Office, December 4, 1854.

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 5.

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

A statement of the appropriations applicable to the service of the War Department during the fiscal year 1853–'54.

DECEMBER 11, 1854.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

WAR DEPARTMENT,
Washington, December 7, 1854.

SIR: In pursuance of the act of Congress of May 1, 1820, I have the honor to transmit herewith a statement of the appropriations applicable to the service of the War Department during the fiscal year 1853–'54, the amounts drawn from the treasury by requisitions during the same period, the balances on the 1st July, 1854, and such appropriations as have been carried to the surplus fund.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Hon. JESSE D. BRIGHT,
President pro tem. of the Senate.

TREASURY DEPARTMENT,
Second Comptroller's Office, December 6, 1854.

SIR: I have the honor to transmit, in duplicate, a statement of the appropriations for the War Department for the fiscal year 1853–'54, showing the balances of the appropriations on the 1st July, 1853; the appropriations made for the fiscal year 1853–'54; the repayments and transfers in same time; the amounts applicable to the service of the year 1853–'54; the amounts drawn by requisitions from the treasury in the same period; and, finally, the balances on the 30th June, 1854, with such appropriations as have been carried to the surplus fund, prepared in pursuance of an act of Congress approved May 1, 1820.

Very respectfully, sir, your obedient servant,

J. M. BRODHEAD, *Comptroller.*

Hon. JEFFERSON DAVIS,
Secretary of War.

Statement of the appropriations for the service of the War Department from July 1, 1853, to June 30, 1854, made pursuant to the provisions of the second section of the act of Congress of May 1, 1820, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Heads of appropriations.	Balances on July 1, 1853.	Appropriations for the fiscal year 1853-'4.	Repayments from July 1, 1853, to June 30, 1854.	Amount applicable to the service of the fiscal year 1853-'4.	Amounts drawn by requisitions from the treasury during the fiscal year 1853-'4.	Balances on June 30, 1854.
Pay of the army	$900,310 04	$1,814,759 00	$283,702 97	$2,998,772 01	$2,070,046 25	$928,725 76
Subsistence of officers	206,323 28	615,847 00	10,463 04	832,633 32	612,280 90	220,352 42
Forage	36,503 60	104,928 00	14,225 83	155,657 43	124,584 81	31,072 62
Payment in lieu of clothing to officers' servants	14,006 68	36,320 00	986 48	51,313 16	37,719 69	13,592 47
Payment in lieu of clothing to discharged soldiers	.....	.....	3,109 92	3,109 92	*3,109 92	.....
Medical and hospital department	43,955 17	52,000 00	1,606 48	97,561 65	56,134 96	41,426 69
Services of private physicians	130 27	.....	.....	130 27	.....	130 27
Sick and discharged soldiers, to provide for comfort of	447 05	.....	8,013 35	8,460 40	442 57	8,017 83
Subsistence of army	595,008 16	1,028,497 00	110,556 56	1,734,061 72	1,316,195 17	417,866 55
Clothing of army	5,941 48	378,733 56	25,465 33	410,140 37	409,051 40	1,088 97
Quartermaster's department	803,318 29	1,050,000 00	1,298,096 66	3,151,414 95	3,005,742 89	145,672 06
Transportation of officers' baggage	22,946 44	120,000 00	132,940 58	275,887 02	170,865 36	105,021 66
Transportation of the army	729,620 41	1,500,000 00	1,279,543 57	3,509,163 98	3,500,437 55	8,726 43
Barracks, quarters, &c	186,297 48	300,000 00	794,982 54	1,281,280 02	1,164,614 42	116,665 60
Incidental expenses of quartermaster's department	1,750 00	300,000 00	1,295,761 89	1,597,511 89	1,302,087 56	295,424 33
Barracks and quarters at military post Minnesota river	.....	24,000 00	.....	24,000 00	24,000 00	.....
Barracks, quarters, &c., at Republican fork of Kansas river	.....	65,000 00	.....	65,000 00	15,872 30	49,127 70
Purchase of horses for dragoons, &c	63,564 54	180,000 00	219,438 58	463,003 12	385,735 01	77,268 11
Transportation and supplies, &c., in quartermaster's department	237,550 30	.....	1,970,198 66	2,207,748 96	1,965,896 68	241,852 28
Remounting the four companies of light artillery	.....	18,500 00	.....	18,500 00	.....	18,500 00
Three months' extra pay	182,432 04	.....	.....	182,432 04	15,445 83	166,986 21
Expense of recruiting	19,818 51	53,200 00	2,815 43	75,833 94	62,305 27	13,528 67
Military contributions in Mexico	11,467 81	40,000 00	.....	51,467 81	37,916 98	13,550 83

Secret services in Mexico	19,514 50			19,514 50	119 00	19,395 50
Army asylum fund	10,263 66			10,263 66	10,080 46	183 20
Contingencies of the army	547 01		22,064 77	22,611 78	16,501 23	6,110 55
Extension of the United States Capitol	600,000 00	310,000 00		910,000 00	465,000 00	445,000 00
Light-house on Whale's Back, New Hampshire			553 15	553 15	*553 15	
Light-house on Brandywine shoals			84	84	*84	
Light-house on Brandywine shoals, trial, &c			01	01	*01	
Light-house near Wangoschance, Michigan			223 87	223 87	†223 87	
Light-house at or near north pier at Chicago			32 66	32 66	*3 66	
Screw-pile beacon on South shoal, off Nantucket			459 50	459 50	*459 50	
Removal and subsistence of Seminole Indians in Florida		200,000 00		200,000 00	29,000 00	171,000 00
West Point, pay of officers and cadets at	223 91	88,226 00	112 71	88,562 62	76,768 84	11,793 78
subsistence of officers and cadets at	200 54	2,190 00		2,390 54	500 00	1,890 54
forage of officers' horses at	1,811 29	960 00	2,770 67	5,541 96	1,800 00	3,741 96
clothing of officers' servants at	30 00			30 00		30 00
current expenses of Military Academy at	11,000 00	29,660 00		40,660 00	18,000 00	22,660 00
new mess hall at		3,500 00		3,500 00	3,500 00	
purchase of a new equatorial telescope	5,000 00			5,000 00	5,000 00	
purchase of 30 artillery horses for	3,000 00			3,000 00	2,855 84	144 16
forage for dragoons, &c., horses at		8,640 00		8,640 00	8,181 00	459 00
stable for dragoons, &c., horses at		8,000 00		8,000 00		8,000 00
additional pay to soldiers in adjutant's office		150 00		150 00	150 00	
construction of a wharf at		4,330 00		4,330 00	4,330 00	
increase and expenses of the library		1,000 00		1,000 00	1,000 00	
expenses of the board of visitors	278 88	3,000 00		3,275 88	3,275 88	
Arming and equipping the militia	1,260 93	20,000 00	209 55	201,470 48	163,201 57	38,268 91
Ordnance service	55,090 00	100,000 00	8,451 69	163,541 69	119,703 37	43,838 32
Ordnance, ordnance stores, and supplies	64,345 05	100,000 00	68,582 49	232,927 54	161,304 73	71,622 81
Cannon, &c., for sea coast defence		200,000 00		200,000 00	49,381 53	150,618 47
Armament of fortifications	50,000 00		81 18	50,081 18	50,081 18	
Arsenals	28,616 61	41,071 00	1,560 24	71,247 85	57,463 96	13,783 89
National armories	31,264 67	250,000 00		281,264 67	235,000 00	46,264 67
Springfield armory, repairs at	32,500 00	46,094 00		78,594 00		78,594 00
Harper's Ferry armory, repairs at		43,500 00		43,500 00	43,500 00	
Harper's Ferry armory, to make good damages by flood		20,000 00		20,000 00	20,000 00	
Compensation, &c., of commissioners to examine armories		5,996 61		5,996 61		5,996 61
Arsenals: Arkansas, Missouri, and Tennessee, purchase of sites and constructions of. Act of July 2, 1836			26,298 05	26,298 05	*26,298 05	
Fort Knox, Penobscot river, Me		55,000 00		55,000 00	32,000 00	23,000 00
Fort Montgomery, at outlet of Lake Champlain			80	80		80

*Carried to surplus fund.

†$205,99 of this amount carried to surplus fund.

STATEMENT—Continued.

Heads of appropriations.	Balances on July 1, 1853.	Appropriations for the fiscal year 1853-'4.	Repayments from July 1, 1853, to June 30, 1854.	Amount applicable to the service of the fiscal year 1853-'4.	Amounts drawn by requisitions from the treasury during the fiscal year 1853-'54.	Balances on June 30, 1854.
Fort Porter, near Buffalo, N. Y	$17,591 43	.....	.....	$17,591 43	$360 00	$17,231 43
Fort Carroll, on Sollers' Point flats, Md	.....	$50,000 00	.....	50,000 00	40,000 00	10,000 00
Fort Winthrop, Governor's Island, Boston harbor	.....	29,573 00	.....	29,573 00	1,000 00	.....
Fort Warren, Boston harbor, Mass	.....	45,000 00	.....	45,000 00	19,500 00	25,500 00
Fort Delaware	.....	150,000 00	.....	150,000 00	100,000 00	50,000 00
Fort Calhoun, Va	18,596 00	.....	.....	18,596 00	.....	18,596 00
Fort Sumter, Charleston harbor, S. C	.....	110,000 00	.....	110,000 00	45,000 00	65,000 00
Fort on east side of Dauphin Island, Mobile bay	13,000 00	.....	.....	13,000 00	.....	13,000 00
Fort at entrance of Cumberland Sound, Ga	.....	.....	$1 71	1 71	.....	1 71
Fort Jackson, Mississippi river, La	.....	.....	3 05	3 05	.....	3 05
Fort Livingston, La., at Grand Terre	4,609 38	.....	2,325 42	6,934 80	1,730 00	5,204 80
Fort Adams, Rhode Island	.....	.....	4,803 18	4,803 18	.....	4,803 18
Fort Pulaski, Cockspur Island, Ga	.....	20,000 00	.....	20,000 00	1,000 00	19,000 00
Fort St. Philip, Mississippi river, La	.....	.....	1 85	1 85	.....	1 85
Fort Taylor, Key West Fla	.....	75,000 00	.....	75,000 00	55,000 00	20,000 00
Fort Jefferson, Garden Key, Tortugas islands, Fla	.....	100,000 00	.....	100,000 00	45,000 00	55,000 00
Fort Madison, Annapolis harbor, Md	4,820 20	.....	.....	4,820 20	60 00	4,760 20
Defence of San Francisco, Cal	.....	500,000 00	21,416 81	521,416 81	481,567 83	39,848 98
Fortifications, &c., incidental expenses of	.....	.....	13 49	13 49	.....	13 49
Fortifications, contingent expenses of engineer officers examining coast of the United States on the Pacific, &c	.....	.....	1,566 57	1,566 57	.....	1,566 57
Fortifications, contingencies of	51,738 56	.....	60	51,739 16	28,444 79	23,294 37
Military stations on the route to Oregon	3,203 00	.....	34 68	3,237 68	2,000 00	1,237 68
Arrearages prior to July, 1815, payable through Third Auditor	4,605 86	3,500 00	.....	8,105 86	1,964 02	6,141 84
Arrearages payable through Second Auditor	467 17	.....	.....	467 17	175 20	291 97

Arrearages, pay, &c., due Capt. McRae's company of Virginia volunteers	.....	10,334 31	.....	10,334 31	5,371 91	4,962 40
Payment of fourth regiment of Vermont militia, battle of Plattsburg. (Indefinite.)	.....	14 00	.....	14 00	14 00	.....
Florida militia in 1839 and 1840, payment of account of quartermaster's department	4,537 39	.....	.....	4,537 08	.....	4,537 08
Florida militia under Brigadier General Read, arrearages of pay due	7,209 23	.....	.....	7,209 23	39 54	7,169 69
Florida militia, payment of the companies of Captains Bush, Price, and Saurey	8,346 65	.....	.....	8,346 65	6,140 94	2,205 71
Florida militia, payment of certain military services in Florida. (Indefinite.)	.....	153 48	.....	153 48	153 48	.....
Florida militia in 1839 and 1840, payment of, on account of subsistence	1,039 39	.....	.....	1,039 39	26 42	1,012 97
Florida war, three months' pay and allowances to Seminole warriors	2,870 00	.....	.....	2,870 00	2,870 00	.....
Florida war, payment of claims of South Carolina in relation to. Act of August 31, 1852	.....	17,786 05	.....	17,786 05	17,786 05	.....
Florida war, preventing and suppressing Indian hostilities	32,501 39	.....	122,864 34	153,365 73	4,190 83	151,174 90
Florida war, repressing hostilities of Seminoles	230 50	.....	8,442 13	8,672 63	35 00	8,637 63
Florida war, claims of State of Georgia. Act of August 11, 1842	7,112 94	.....	.....	7,112 94	.....	7,112 94
Florida war, payment of seven companies of Georgia militia for services in 1840 and 1841. Act of February 4, 1843	.....	.....	298 71	298 71	*298 71	.....
Florida war, payment of claims of State of Georgia, per 8th section of act of March 3, 1853	.....	6,143 02	.....	6,143 02	6,143 02	.....
Payment of claims of militia of Georgia, reappropriated. Act of June 19, 1834, and act of March 3, 1853	37,669 47	.....	.....	37,669 47	.....	37,669 47
Arrearages of pay due Kentucky volunteers in 1836. Act of May 31, 1854	.....	1,000 00	.....	1,000 00	.....	1,000 00
Arrearages of pay of volunteers in Black Hawk war	.....	1,000 00	.....	1,000 00	.....	1,000 00
Florida war, payment of certain Tennessee volunteers for loss of horses in. Act of August 7, 1848	.....	166 10	.....	166 10	166 10	.....
Maine, State of, settlement of claims of, for militia services. Act of June 13, 1842. (Indefinite)	.....	19 53	.....	19 53	19 53	.....
Maine, State of, payment of interest on advances made by. Act of March 3, 1851. (Indefinite)	.....	15 92	.....	15 92	15 92	.....
Mexican hostilities	9,127 22	.....	985,478 05	994,605 27	513,701 65	480,903 62
Pay of volunteers under joint resolution of August 8, 1846	7,153 17	.....	.....	7,153 17	130 22	7,022 95
Pay of volunteers. Act of March 2, 1847	38,123 29	.....	28 00	38,151 29	35,019 69	3,131 60

* Carried to surplus fund.

STATEMENT—Continued.

Heads of appropriations.	Balances on July 1, 1853.	Appropriations for the fiscal year 1853–'54.	Repayments from July 1, 1853, to June 30, 1854.	Amount applicable to the service of the fiscal year 1853–'54.	Amounts drawn by requisitions from the treasury during the fiscal year 1853–'54.	Balances on June 30, 1854.
Pay of 11 regiments of volunteers. Act of March 2, 1847	$26,998 69			$26,998 69		$26,998 69
Subsistence of 11 regiments of volunteers. Act of March 2, 1847	394 80		$82 55	477 35		477 35
Pay of 10 regiments of regulars. Act of March 2, 1847	8,547 51		29 29	8,576 80		8,576 80
Subsistence of 10 regiments of regulars. Act of March 2, 1847	684 86		6,723 94	7,408 80		7,408 80
Payment of four companies of Texas, and two of Louisiana volunteers. Act of May 8, 1846	18,060 49			18,060 49		18,060 49
Repairs of roads and bridges for armies in the field. Act of March 2, 1847	8,110 73			8,110 73	1,730 65	6,380 08
Surveys with armies in the field. Act of March 2, 1847	725 45		222 44	947 89		947 89
Travelling allowance to volunteers. Act of March 2, 1847	118,204 44			118,204 44		118,204 44
Expenses incurred, act to refund money for. Act of June 2, 1848		$17,378 46		17,378 46	17,378 46	
Payment of four companies of volunteers called into service (New Mexico) by Lieut. Colonel Washington. Act of February 27, 1851			34,565 37	34,565 37	1,916 78	32,648 59
Payment of several companies of Texas mounted rangers. Act of September 30, 1850			243 05	243 05	243 05	
Pay of several companies, and expenses of three companies of Texas volunteers under General Brooke. Act of February 27, 1851			7,635 00	7,635 00	7,635 00	
Pay of five companies of Texas mounted volunteers. Act of July 21, 1852	13,690 98			13,690 98	8,851 34	4,839 64
Payment of mounted riflemen (volunteers) under Colonel J. C. Frémont in 1846. Act of August 3, 1852	151,730 31			151,730 31	10,481 98	141,248 33

Surveys of routes from the valley of the Mississippi to the Pacific. Act of March 3, 1849	5,039 20		2 50	5,041 70	4,145 00	896 70
Surveys for a railroad from the Mississippi river to the Pacific. Act of March 3, 1853, &c.	61,898 99	40,000 00		101,898 99	75,495 10	26,403 89
Surveys of northern and northwestern lakes	9,858 48*	50,000 00	25	59,858 73	33,196 92	26,661 81
Printing, &c., charts of lake surveys. Act of March 3, 1853		1,500 00		1,500 00		1,500 00
Survey of the delta of the Mississippi. Act of August 31, 1852	43,490 00			43,490 00	1,400 00	42,090 00
Survey, &c., for supplying Washington city and Georgetown with and bringing water into the city of Washington, &c		94,000 00		94,000 00	94,000 00	
Survey, completion of old line, and ship channel across the peninsula of Florida	5,198 00			5,198 00	5,198 00	
Surveys of San Antonio river, Texas	1,500 00			1,500 00	1,499 98	02
Survey of Trinity river, Texas	1,500 00			1,500 00		1,500 00
Survey for a breakwater on east side of Martinicus, Maine. Act of August 30, 1852	750 00			750 00	750 00	
Survey for a breakwater at East Dennis, Barnstable Bay, Massachusetts. Act of August 30, 1852	1,450 00		42 43	1,492 43		1,492 43
Survey for improvement of harbor of Scituate, Mass	1,000 00			1,000 00	1,000 00	
Survey of harbor of Port Jefferson, New York	1,000 00			1,100 00	1,100 00	
Survey of Bayou La Fouche, Louisiana	1,500 00			1,500 00		1,500 00
Survey of the Rappahannock river, Virginia	2,600 00			2,600 00	1,500 00	1,100 00
Survey of Taunton river and New Bedford harbor, Mass	700 00		89 09	789 09	700 00	89 09
Surveys of the harbors of Sabine, Galveston, Paso Carvallo, Velasco, Brazos de Santiago, and Corpus Christi, and the rivers Sabine and Trinity, Texas			1,499 98	1,499 98		1,499 98
Survey of East Pascagoula river, Mississippi	4,000 00			4,000 00		4,000 00
Survey, &c., of the falls of the Ohio, &c., for an additional canal around the falls	500 00			500 00		500 00
Survey of the harbor of Georgetown, South Carolina	2,400 00			2,400 00	2,400 00	
Survey of Shrewsbury river, New Jersey	1,000 00			1,000 00	1,000 00	
Survey of harbor of Ogdensburg, New York	3,000 00			3,000 00	75 00	2,925 00
Surveys of rivers Savannah, from Savannah up to city of Augusta; the Ochmulgee, up to Macon, Ga., &c	3,000 00			3,000 00	3,000 00	
Surveys, &c., of a military road from Mendota to Big Sioux	5,000 00		28 94	5,028 94	4,648 00	380 94
Surveys of Crow Shoals, Delaware bay. Act July 4, 1836			207,60	207 60	*207 60	
Opening a ship channel from the Mississippi to Gulf of Mexico	74,000 00			74,000 00	74,000 00	
Harbor at or near Milwaukie. Act 1843 and 1852	163 94			163 94		163 94
Harbor works on the Atlantic coast, repairs of	6,718 40			6,718 40	1,238 51	5,479 89
Harbor at Ashtabula, Ohio	7,500 00			7,500 00	5,000 00	2,500 00
Harbor at east side of Ready Island, Delaware	33,090 00			33,090 00	33,090 00	

* Carried to surplus fund.

STATEMENT—Continued.

Heads of appropriations.	Balances on July 1, 1853.	Appropriations for the fiscal year 1853-'54.	Repayments from July 1, 1853, to June 30, 1840.	Amount applicable to the service of the fiscal year 1853-'54.	Accounts drawn by requisitions from the treasury during the fiscal year 1853-'54.	Balances on June 30, 1854.
Harbor of Chester, Delaware river			$3 00	$3 00	$3 00	
Harbor of Richmond Island, Me., breakwater, &c., at	$10,000 00			10,000 00	10,000 00	
Harbor of Cape Cod, Mass	4,950 00			4,950 00	3,550 00	$1,400 00
Harbor of Hyannis, Mass., repairs of breakwater at	4,500 00		47 24	4,547 24	4,500 00	47 24
Harbor of Georgetown, S. C						
Harbor of Cleveland, Ohio. Act of 1837, &c	145 69			145 69		145 69
Harbor at Great Wood's Hole, Mass	1,790 00		17 24	1,807 24	1,790 00	17 24
Harbor of New Haven, Conn., removing middle rock, &c	6,000 00			6,000 00	100 00	5,900 00
Harbor of Washington, North Carolina	3,800 00			3,800 00	2,000 00	1,800 00
Harbor of Charleston, South Carolina	49,050 00			49,050 00	1,450 00	47,600 00
Harbor of Mobile at Dog river pass, &c	48,703 57			48,703 57	32,239 95	16,463 62
Harbor on Lake Ponchartrain, near New Orleans	25,000 00			25,000 00	12,000 00	13,000 00
Harbor of Manitowoc, Wisconsin	7,960 87			7,960 87	5,169 74	2,791 13
Harbor of Sheboygan, Wisconsin	9,958 14		179 79	10,130 93	1,575 93	8,555 00
Harbor of Kenosha, (formerly Southport,) Wisconsin	1,951 14		3,295 83	5,246 97	35 93	5,211 04
Harbor of Chicago, Illinois	17,001 00		2,236 54	19,236 54	1,844 00	17,392 54
Harbor of Michigan city, (floating breakwater,) Indiana	18,100 00		22 66	18,122 66	10,320 96	7,801 70
Harbor of New Buffalo, Michigan	1,955 21		452 17	2,410 38	221 26	2,189 12
Harbor of St. Joseph's, Michigan	7,000 00		347 88	7,347 88	5,860 00	1,487 88
Harbor of Black Lake, Michigan	4,889 21			4,889 21	3,108 92	1,780 29
Harbor at mouth of Grand river, Michigan	1,800 00		28 00	1,828 00	101 00	1,727 00
Harbor of Clinton river, Michigan	5,000 00			5,000 00	300 00	4,700 00
Harbor of river Raisin, Michigan	13,500 00			13,500 00	12,000 00	1,500 00
Habor of Michigan city. Act June 11, 1844			5 15	5 15	*5 15	
Harbor at mouth of Black river, New York. Act July 7, 1838			94 43	94 43	*94 43	
Harbor of Delaware breakwater, moving buoys in			127 85	127 85	*127 85	

Harbor at mouth of Black River, Lake Erie, Ohio	5,000 00			5,000 00	4,800 00	200 00
Harbor at mouth of Grand river, Ohio	8,500 00			8,500 00	7,000 00	1,500 00
Harbor of Erie, Pennsylvania	20,192 09			20,192 09	7,304 30	12,887 79
Harbor of Dunkirk, New York	29,732 09			29,732 09	1,421 31	28,310 78
Harbor of Buffalo, New York	10,680 00			10,680 00	5,963 00	4,717 00
Harbor of Oak Orchard Creek, Lake Ontario, New York	7,601 27			7,601 27	6,610 39	990 80
Harbor at mouth of Genessee river, Lake Ontario, New York	15,712 00			15,712 00	14,740 00	972 00
Harbor of Sodus bay, Lake Ontario, New York	9,928 05			9,928,05	6,240 13	3,687 92
Harbor of Oswego, Lake Ontario, New York	25,037 00			25,037.00	8,108 92	16,928 08
Harbor of Sandusky city, Ohio	10,750 00			10,750 00	8,577 47	2,172 53
Harbor of Little Egg, New Jersey	8,452 00			8,452 00		8,452 00
Harbor of Owlshead, (or Rockland harbor,) Maine	14,800 00			14,800 00		14,800 00
Harbor of Dubuque, Iowa	10,717 00			10,717 00	5,701 00	5,016 00
Harbor at Huron river, Ohio	5,750 00			5,750 00	5,750 00	
Harbor at Newcastle, Delaware	14,500 00		6 00	14,506 00	14,506 00	
Harbor at Bridgeport, Connecticut	9,500 00			9,500 00	9,500 00	
Harbor and breakwater at Waukegan, Illinois	11,926 67		10 55	11,937 22	5,830 88	6,106 34
Harbor of Boston; protection of Great Brewster island	23,600 00			23,600 00	10,500 00	13,100 00
Harbor of Providence; removing rock near the mouth of Sekonk river	4,750 00			4,750 00	4,750 00	
Harbor of Racine, Wisconsin	9,951 14		1,963 09	11,914 23	8,035 93	3,878 30
Harbor of Milwaukie, Wisconsin. Act August 30, 1852	8,926 67		4,055 27	12,981 94	8,446 88	4,535 06
Harbor of Ashtabula, Ohio. Act 1838, &c	42 64			42 64		42 64
Harbor of Cleveland, Ohio	26,400 00			26,400 00	6,000 00	20,400 00
Removing rocks near Falls' Island, Cobscook bay, Maine	4,800 00			4,800 00	4,800 00	
Government works at Plymouth beach, repairing	5,000 00		117 50	5,117 50	5,000 00	117 50
Harbor of New Brunswick, New Jersey. Act March 3, 1837			22 12	22 12	*22 12	
Harbor of Port Ontario, works at. Act June 11, 1844			30 02	30 02	*30 02	
Arrearages due for roads, rivers, harbors, &c			12 86	12 76	*12 76	
Repairs and contingencies of harbors, rivers, &c	969 86		819 86	1,789 72	969 86	819 86
Harbors on the lakes, preservation and repairs of. Act June 11, 1844			70 61	70 61	*70 61	
Harbor of Delaware breakwater, moving buoys. Act March 2, 1837			127 85	127 85	*127 85	
Savannah river, &c., removing obstructions at the wrecks in	36,000 00			36,000 00	36,000 00	
Hudson river, above and below Albany, and not above Troy, &c.	49,000 00			49,000 00	12,347 86	36,652 14
Mississippi river, below the rapids. Improvement	69,000 00			69,000 00	69,000 00	
Genessee river, removing obstructions at mouth of	176 10			176 10		176 10
Ohio river, including dam, &c., improvement of	62,700 00			62,700 00	60,000 00	2,700 00
Missouri river, improvement of	34,000 00			34,000 00	30,734 00	3,266 00

* Carried to surplus fund.

STATEMENT—Continued.

Heads of appropriation.	Balances on July 1, 1853.	Appropriations for the fiscal year 1853-'4.	Repayments from July 1, 1853, to June 30, 1854.	Amount applicable to the service of the fiscal year 1853-'4.	Amounts drawn by requisitions from the treasury during the fiscal year 1853-'4.	Balances on June 30, 1854.
Arkansas river, improvement of	$34,000 00			$34,000 00	$26,366 00	$7,634 00
Mississippi, Ohio, Missouri, Arkansas river, &c., construction of snag boats, dredge boats, &c., for use of	9,404 00			9,404 00	848 02	8,555 98
James and Appomatox rivers below Richmond, &c	42,500 00			42,500 00	21,000 00	21,500 00
Rock river rapids and Des Moines rapids, in Mississippi	98,000 00			98,000 00	5,734 00	92,263 00
Passaic and Hackensack rivers, Newark bay, New Jersey	8,500 00		$6,704 61	15,204 61	15,204 61	
Patapsco river from Fort McHenry to its mouth	20,000 00			20,000 00	2,500 00	17,500 00
Susquehanna river near Havre-de-Grace, Maryland	10,000 00			10,000 00	100 00	9,900 00
Kennebeck river, from arsenal wharf to Lovejoy's narrows	5,800 00			5,800 00	5,800 00	
Cape Fear river at and below Wilmington, North Carolina	17,000 00			17,000 00	17,000 00	
St. John's river, Florida	7,938 55			7,938 55		7,938 55
San Diego, California, building a levee across the mouth of	21,500 00			21,500 00	21,500 00	
Indian river and Mosquito lagoon, at Haulover, Florida	4,600 00			4,600 00	4,600 00	
Tennessee river, improvement of	48,000 00			48,000 00	42,309 00	5,691 00
Illinois river, improvement of	29,000 00			29,000 00	10,861 00	18,139 00
Red river, removing raft—act August 30, 1852, &c	100,000 00			100,000 00		100,000 00
Colorado river, Texas, improvement of	19,000 00			19,000 00	19,000 00	
Piers at Kennebunk, Maine, repairing	7,500 00			7,500 00	7,500 00	
Piers at Great Sodus bay, New York, repairing	5,041 05			5,041 05	4,224 13	816 92
Piers at Conneaut, Ohio, repairing	8,500 00			8,500 00	6,000 00	2,500 00
Delaware breakwater, continuing	19,500 00		46 25	19,546 25	19,546 20	05
Breakwater at Burlington, Vermont, continuing	4,756 88			4,756 88	4,756 88	
Breakwater across Croton sound, N. Carolina, construction of	49,700 00			49,700 00		49,700 00
Sea wall at Marblehead, Massachusetts, repairs of	500 00			500 00	500 00	
Sea wall at St. Augustine, Florida, filling in behind the	1,900 00			1,900 00	1,900 00	

Mound or sea wall along peninsula which separates Lake Erie from Buffalo creek	349 05			349 05		349 05
Steam dredge, &c., for Chesapeake bay and Atlantic coast	16,000 00			16,000 00	12,500 00	3,500 00
Steam dredge, &c., for Lake Michigan, constructing a	19,883 05			19,883 05	15,696 70	4,186 35
Steam dredge, &c., for Lake Erie	19,883 03			19,883 03	19,496 40	386 63
Steam dredge, &c., for Lake Ontario	19,883 03			19,883 03	19,718 94	164 09
Steam dredge, &c., for Lake Champlain	19,883 05			19,883 05	19,248 53	634 52
Road, military, from Mississippi to Red river—act July 2, 1836			3 21	3 21	*3 21	
Road from Detroit to Fort Gratiot—act March 3, 1835			45 08	45 08	*45 08	
Road from Detroit to Grand river—act March 3, 1835			104 01	104 01	*104 01	
Road from Wabash to Mendota	5,698 00		15 00	5,713 00	5,698 00	15 00
Road from Point Douglass to Falls of St. Louis river	13,627 03		45 00	13,672 03	13,672 00	03
Road from Point Douglass to Fort Gaines	5,295 31		30 00	5,325 31	5,295 31	30 00
Road from Swan river to Winnebago agency	2,011 30		15 00	2,026 30	2,011 30	15 00
Road, military, from Steilacomb, on Puget's sound, to Fort Walla-walla	15,000 00			15,000 00	15,000 00	
Road, military, from mouth of Myrtle creek, on the Umpqua river, to Camp Stuart	20,000 00			20,000 00	20,000 00	
Bridges, &c., between Fort Leavenworth and Republican fork of Kanzas		11,725 00		11,725 00	788 55	10,936 45
Relief of B. S. Roberts—act March 3, 1853, and Jan. 24, 1854. (Indefinite.)		4,862 50		4,862 50	4,862 50	
Relief of Louis M. Goldsborough, and others—act March 3, 1853. (Indefinite.)		2,538 85		2,538 85	2,538 85	
Relief of Lewis B. Willis—act Jan. 24, 1854. (Indefinite.)		593 50		593 50	593 50	
Relief of Samuel K. Rayburn—act March 27, 1854. (Indefinite.)		105 00		105 00	105 00	
Relief of legal representatives of Capt. Wm. Davis—act May 10, 1854		360 00		360 00	360 00	
Payment of amount due Loviston Averil, of Topographical Engineers	314 30			314 30		314 30
Total	7,403,604 84	10,745,870 89	8,806,172 56	26,955,648 29	20,568,958 47	6,386,689 82

* Carried to surplus fund.

RECAPITULATION.

Amount applicable to the service of the fiscal year 1853–'54, as per aggregate of fourth column	$26,955,648 29
From which deduct amount of refunding and transfer requisitions, as per third column	8,806,172 56
Will show the amount actually applicable to the above period	18,149,475 73

Very respectfully, sir, your obedient servant,

J. M. BRODHEAD, *Comptroller.*

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 6.

REPORT

OF

THE SUPERINTENDENT OF THE PUBLIC PRINTING,

SHOWING

THE CONDITION OF THE PUBLIC PRINTING.

DECEMBER 12, 1854.—Read, ordered to lie on the table and be printed.

OFFICE OF THE SUPERINTENDENT OF THE PUBLIC PRINTING,
Washington, December 12, 1854.

SIR: I have the honor to submit herewith, in order that it may be laid before the Senate, the second annual report of the condition of the public printing.

Very respectfully, your obedient servant,

A. G. SEAMAN, *Superintendent.*

Hon. JESSE D. BRIGHT,
President of the Senate of the United States.

OFFICE OF THE SUPERINTENDENT OF THE PUBLIC PRINTING,
Washington, December 12, 1854.

I have the honor to submit, for the information of Congress, the second Annual Report of the condition of the Public Printing.

When I entered upon the discharge of the duties of this office on the 7th day of December, 1853, I found that the printing of the preceding session of Congress had been executed, with a few inconsiderable exceptions, (which have since been supplied,) and an elaborate report upon the state of the Public Printing had just been submitted to Congress. It therefore remains for me only to present a report of the operations of this office for the year ending on the 1st instant, embracing the printing for the first session of the thirty-third Congress, and the printing of the Executive departments (or so much thereof as has been executed under the supervision of this office) for the fiscal year ending the 30th June, 1854, which I shall *do* as briefly and as perspicuously as *possible.*

The printing ordered by the last session of Congress probably exceeds in amount that of any previous session; and, notwithstanding the division of the printing between two offices, thereby bringing into use a largely increased amount of material and machinery, it was found impossible to execute it promptly without requiring the Public Printers to work at night for a considerable portion of the summer and fall. I am happy to be able to state, that all the printing has been executed (with the exception of the report of Lieutenant Gillis, U. S. N., of the results of the Astronomical Expedition to Chili, and the Pacific Railroad Surveys) in a satisfactory manner, and that in its prosecution I have been afforded by the Public Printers every facility for meeting the reasonable expectations of Congress.

The report of Lieutenant Gillis has been withheld from the Printer's hands because it was found impossible to complete it during the recess, and such portions as might have been printed would, consequently, have to lie in the printing offices an obstacle to their operations, and subject to injury or entire destruction. This work is very voluminous, making probably five quarto volumes of eight hundred pages each. It will be accompanied by numerous illustrations, all of which are under contract to be executed in the best style of the arts of steel engraving and chromo-lithography. It is the design of your committees and of this office to make it, in its mechanical execution, inferior to no similar work heretofore authorized by Congress. This work, it is expected, will be ready for delivery early in the next summer. On the last day of the last session of Congress, the House of Representatives adopted a resolution requesting the Secretary of War "to procure a report from F. W. Lander, civil engineer, of a survey of a railroad route from Puget's Sound, by Fort Hall and the Great Salt Lake, to the Mississippi River;" and directing that "the reports of surveys for a railroad to the Pacific, made under the direction of the Secretary of War, also the said report of F. W. Lander, be printed for the use of the House during the recess." In compliance with this resolution, the reports of Governor Stevens, Captain Pope, Lieutenant Parke, and Lieutenant Whipple, have been received and printed, and the residue will be printed immediately upon their reception. This office has no information of the number of these reports yet to be furnished to complete the series, or of the time at which they may be expected to be ready for the printer.

The contracts for printing paper for the last session of Congress, made by this office, were slightly more favorable for the government than were those for the preceding session, notwithstanding a considerable rise in the market of all descriptions of printing paper—the contract price for by far the most important class being \$6 $10\frac{5}{16}$ per ream for the last year, against \$6 30 for the preceding year.

The delay which has occurred in the completion and delivery of some of the public documents, has been caused by the failure of contractors to furnish the plates required for their illustration.

This matter of engraving is not within the control of this office, and it is referred to here only in explanation of the reasons which have prevented these bound volumes from being distributed as contemplated *by Congress.*

I have caused to be prepared a series of tables exhibiting in detail the cost of the Public Printing, as well as the cost of engraving and binding. Several of the larger documents were ordered to be printed in the early part of the last session, before the repeal of the seventh section of the Printing Act of 1852, and consequently the cost for the composition of those, though printed for both Houses, was incurred but once. By the repeal of the section of the law referred to, the printing of the same document for both Houses of Congress will necessarily involve the cost of composition twice, except when the same person or firm are printers for both Houses.

The following table exhibits the *regular* or *usual* numbers of documents, &c., printed for the use of the SENATE, at the last session, with their cost:

Description of printing.	Number of pages.	Number of copies.	Cost of composition, pressework, folding, &c.	Cost of paper.	Cost of maps and plates.	Total cost.
Executive documents.....	8,068	1,400	$9,823 21	$6,320 24	$5,728 89	$21,872 34
Miscellaneous documents ..	660	1,400	1,083 29	517 86	2,000 00	3,601 15
Reports of committees	1,954	1,400	2,706 56	1,533 42	.....	4,239 98
Journal of the Senate.....	1,018	1,400	1,445 45	800 52	.....	2,245 97
Foreign treaties.....	242	90	262 03	12 18	.....	274 21
Domestic treaties	156	65	167 36	5 46	.....	172 82
Bills and joint resolutions..	2,074	1,000	2,182 44	2,250 32	.....	4,432 76
Miscellaneous printing, embracing order of business, yeas and nays, circular letters, &c	.....	.....	801 79	118 77	.....	920 56
	.....	.....	18,472 13	11,558 77	7,728 89	37,759 79

Copies of these documents, as fast as printed, are laid upon the tables of members for immediate reference or perusal. When the whole are completed, a number of copies are bound in volumes of convenient size, in fine binding, for the use of the Committee Rooms, the public offices within the Capitol, and the Executive Departments.

The binding of these, being 866 copies of 13 volumes, amount to $6,399 80, making an aggregate, for this branch of the Senate printing, including the cost of maps and plates, of $44,159 59.

Extra copies intended for distribution were ordered of such of the public documents as were deemed interesting or important. The subjoined table shows the number of such copies ordered of each, with their cost:

No. of document.	Title or subject.	No. of extra copies printed.	No. of pages in each document.	Cost of composition, pressework, folding, and inserting maps and plates.	Cost of paper.	Cost of maps and plates.	Cost of binding.	Total cost.	Cost per copy.
Ex. 1.....	Message of the President of the United States and accompanying documents, [4 volumes].....	10,000	1,950	$5,388 60	$7,946 01	$8,071 06	†$7,625 00	$29,030 67	$2 90.30
Ex. 2.....	Report of the Secretary of the Treasury on the Finances.....	10,000	384	978 44	1,563 15	.....	1,325 00	3,866 59	38.66
Ex. 1, (part.)	Report of the Commissioner of the General Land Office.....	500	176	25 88	35 86	120 00	.....	181 74	36.35
Ex. 14.....	Report of the Superintendent of the Coast Survey, (quarto).....	10,000	280	1,966 88	2,279 75	9,000 00	4,150 00	17,396 63	1 73.96
Ex. 27.....	Report of the Commissioner of Patents on Arts and Manufactures	12,000	512	1,517 57	2,501 04	500 00	1,590 00	6,108 61	50.90
Ex. 27.....	Report of the Commissioner of Patents on Agriculture	40,000	456	*3,548 94	7,424 66	6,084 83	5,300 00	22,358 73	55.90
Ex. 42.....	Report of the Secretary of the Treasury—American securities held abroad.....	5,000	56	72 80	114 02	.....	.....	186 82	3.73
Ex. 51.....	Report of the Secretary of War—Improvement of Western Rivers and Harbors..	50	28	36	84	.....	.....	1 20	2.40
Ex. 56.....	Message of the President—Veto of the River and Harbor Bill.....	10,000	16	30 58	65 28	.....	.....	95 86	.96
Ex. 59.....	Report of Lieut. S. P. Lee—Cruise of the United States Surveying Brig Dolphin.	2,000	340	208 80	276 77	532 35	†515 00	1,532 92	76.64
Ex. 68.....	Message of the President—Penal Codes in Europe, (reprint)	5,000	404	*939 70	822 34	.....	662 50	2,424 54	48.49
Ex. 77.....	Report of the Secretary of the Treasury on the Revenue Laws.....	100	176	4 57	7 36	46 66	.....	58 59	58.59
Ex. 78.....	Report of the Secretary of the Navy—Naval Depot at Beaufort, N. C.....	3,000	8	6 24	9 81	.....	.....	16 05	.53
Ex. 84.....	Report of the Secretary of War—Brazos River, &c	50	8	10	20	.....	.....	30	.60
Ex. 86, H. R.	Message of the President—Case of the "Black Warrior," &c	2,000	380	*577 60	312 63	.....	265 00	1,155 23	57.76

Misc. 1	List of committees of the Senate	600	4	62	92			1 54	.26
Misc. 72	The Kansas and Nebraska Act	20,000	16	*95 04	130 26			225 30	1.13
Misc. 73	Annual Report of the Regents of the Smithsonian Institution	10,000	272	671 84	1,107 08		1,325 00	3,103 92	31.04
Rep. 15	Report of the Committee on Territories—Nebraska	5,000	20	*42 00	40 76			82 76	1.65
Rep. 64	Report of the Committee on Finance on the Surrender of the Indiana Bonds	1,000	50	13 00	20 23			33 23	3.32
Rep. 121	Report of the Committee on Territories—Telegraph to the Pacific	5,000	8	*14 40	16 24			30 64	.60
Rep. 182	Report of the Select Committee on Mexican Claims	3,000	424	330 72	517 68		397 50	1,245 90	41.53
Rep. 262	Report of the Committee on Agriculture on the establishment of an Agricultural School	2,000	8	4 16	6 44			10 60	.53
Rep. 331	Report of the Select Committee on the Atmospheric Telegraph	1,100	8	*10 29	3 68			13 97	1.27
Rep. 379	Report of the Committee on Territories on the organization of new Indian Territories	5,000	32	41 60	65 28			106 88	2.13
Rep. 386	Report of the Select Committee upon the health of Passengers on board Emigrant Ships	5,000	152	197 60	309 56		662 50	1,169 66	23.39
	Compendium of the Census	50,000	400	*4,531 00	8,141 56		6,625 00	19,297 56	38.59
	Addresses on the Death of Vice President King	10,000	80	*294 43	446 46	186 50	1,375 00	2,302 39	23.02
	Andrews' Report on Colonial and Lake Trade, (reprint)	5,000	860	*2,404 25	1,758 70	6,250 00	†1,287 50	11,700 45	2 34.00
	Reports of the Directors of the Mint, (reprint)	1,000	24	*42 24	9 81			52 05	5.20
	Report of Capt. Sitgreaves of an Expedition down the Zuñi and Colorado Rivers, (reprint)	3,000	200	*695 00	244 28	3,750 00	397 50	5,086 78	1 69.56
	Report by Capt. Marcy of a Reconnoissance of the Valley of the Red River, (reprint)	5,000	328	*1,165 15	667 56	6,250 00	†1,287 50	9,370 21	1 87.40
				25,820 40	36,846 52	40,791 40	34,790 00	138,248 32	

* Those marked thus (*) involved an expenditure for composition. In the residue the cost of composition was charged either to the House of Representatives, where the documents were first ordered to be printed, or in the cost for printing the *regular numbers* for the Senate.

† For those marked thus (†) the maps were bound separately.

Thus it will be seen that the printing, paper, maps and plates, and binding for the Senate amounted to an aggregate of $182,407 91.

By order of the HOUSE OF REPRESENTATIVES, the usual number of documents were printed, as follows:

Description of printing.	Number of pages.	Number of copies.	Cost of composition, press-work, folding, &c.	Cost of paper.	Cost of maps and plates.	Total cost.
Executive documents.....	11,898	1,520	$20,220 98	$10,142 58	$2,941 06	$33,304 62
Miscellaneous documents..	1,476	1,520	2,347 78	1,257 48	.....	3,605 26
Reports of committees	1,916	1,520	2,711 50	1,632 54	.....	4,344 04
Journal of the House.....	1,576	1,620	2,546 85	1,432 20	.....	3,979 05
Bills and joint resolutions..	2,020	580	1,667 96	1,281 12	.....	2,949 08
Miscellaneous printing, embracing general orders, calendars, yeas and nays, circulars, &c., &c.....	.....	.....	2,510 77	475 42	.....	2,986 19
			32,005 84	16,221 34	$2,941 06	51,168 24

Of these, 928 copies of the Executive and Miscellaneous documents and Reports of Committees, and 1,045 copies of the Journal are to be bound in volumes of convenient size, for the use of the Legislative and Executive Departments. These make twenty-one volumes to each complete set, and the cost of the binding is $11,965 30.

Extra numbers of a portion of these documents, for distribution, were also printed, as follows:

No. of document	Title or subject.	No. of extra copi	No. of pages.	Cost of composition, press-work, including maps & plates, folding and stitching.	Cost of paper.	Cost of maps & plates.	Cost of binding.	Total cost.	Cost per set.
Ex. 1.....	Message of the President of the U. S. and accompanying documents, (3 volumes)....	20,000	1,944	$9,611 36	$15,827 05	.....	$7,850 00	$33,288 41	$1 66.44
Ex. 1 (pt.)	Report of the Commissioner of the General Land Office	500	176	*113,88	35 86	$94 40	.....	244 14	44.83
Ex. 1 (pt.)	Report of the Postmaster General	1,500	128	*113 92	78 16	.....	.....	192 08	12.81
Ex. 3.....	Report of the Secretary of the Treasury on the Finances.....	15,000	384	1,422 72	2,350 85	.....	1,987 50	5,761 07	38.41
Ex. 12.....	Report of the Superintendent of the Coast Survey—(quarto).....	10,000	280	1,966 88	2,279 75	9,000 00	5,150 00	18,396 63	1 83.96
Ex. 39.....	Report of the Commissioner of Patents on Arts and Manufactures.....	60,000	512	4,792 32	12,505 20	1,500 00	7,950 00	26,747 52	44.58
Ex. 39.....	Report of the Commissioner of Patents on Agriculture	110,000	456	8,264 96	20,418 72	11,293 00	14,575 00	54,551 68	49.59
Ex. 51.....	Letter of the Secretary of War—Colbert's shoals.....	50	4	05	12	.....	.....	17	.34
Ex. 53.....	Exploration of the Valley of the Amazon—part 1. (Reprint.).....	30,000	424	*2,983 82	5,178 01	12,750 00	†7,725 00	28,636 83	95.45
Ex. 53.....	Exploration of the Valley of the Amazon—part 2.....	30,000	352	2,787 36	4,298 66	16,168 14	3,975 00	27,229 16	90.76
Ex. 62.....	Letter of the Secretary of War—Twelve-mile creek	50	8	10	24	.....	.....	34	.68
Ex. 71.....	Message of the President of the U. S.—Harbors, &c., on Lake Michigan.....	50	40	52	1 10	.....	.....	1 62	3.24
Ex. 97.....	Letter of the Secretary of War—survey of road from Mendota to Big Sioux river.....	50	12	16	36	.....	.....	52	1.04

* An expense was incurred in these documents for composition. In the residue, the cost of composition is charged either to the Senate, where they were first ordered to be printed, or in the printing of the regular numbers for the House of Representatives.

† Bound in two volumes.

No. of document.	Title or subject.	No. of extra copies.	No. of pages.	Cost of composition, press-work, inserting maps & plates, folding and stitching.	Cost of paper.	Cost of maps and plates.	Cost of binding.	Total cost.	Cost per set.
Ex. 102.....	Report of the Secretary of the Treasury on the condition of the banks in the United States.....	1,500	192	$74 88	$117 39	.....	.....	$192 27	$0 12.82
Ex. 114.....	Letter of the Secretary of War—survey of the Ohio river, &c.....	50	8	10	24	.....	.....	34	.68
Ex. 124.....	Letter of the Secretary of War—Brazos river, &c.....	50	8	10	24	.....	.....	34	.68
Mis. 97.....	Report of the Board of Regents of the Smithsonian Institution.....	10,000	312	794 98	1,270 14	.....	$1,325 00	3,390 12	33.90
Rep. 347....	Report of the select committee on the trade with Peru.....	20,000	56	281 64	456 07	.....	.....	737 71	3.69
	Report by Capt. Marcy of a reconnoissance of the valley of the Red river. (Reprint.).	10,000	338	*1,935 48	1,375 88	$10,000 00	†2,575 00	15,886 36	1 58.86
	Compendium of the Census.....	100,000	400	*7,651 00	16,283 12	.....	13,250 00	37,184 12	37.18
	Obituary notices on the death of the late Vice-President King.....	30,000	64	*393 52	1,071 00	351 56	4,125 00	5,941 08	19.80
				43,189 75	83,548 16	61,157 10	70 487 50	258,382 51	

*An expense was incurred in these documents for composition. In the residue, the cost of composition is charged either to the Senate, where they were first ordered to be printed, or in the printing of the regular numbers for the House of Representatives.

† Bound in two volumes.

The aggregate cost of the printing for the House of Representatives, with the paper, maps and plates, and binding connected therewith, amounts to $321,516 05.

RECAPITULATION.

SENATE.

Cost of printing the regular numbers	$18,472 13	
Cost of printing the extra numbers	25,820 40	
Cost of printing		$44,292 53
Cost of paper for the regular numbers	11,558 77	
Cost of paper for the extra numbers	36,846 52	
Cost of paper		48,405 29
Cost of maps and plates for regular numbers	7,728 89	
Cost of maps and plates for extra numbers	40,791 40	
Cost of maps and plates		48,520 29
Cost of binding regular numbers	6,399 80	
Cost of binding extra numbers	34,790 00	
Cost of binding		41,189 80
Making an aggregate cost of		182,407 91

HOUSE OF REPRESENTATIVES.

Cost of printing the regular numbers	$32,005 84	
Cost of printing the extra numbers	43,189 75	
Cost of printing		$75,195 59
Cost of paper for the regular numbers	16,221 34	
Cost of paper for the extra numbers	83,548 16	
Cost of paper		99,769 50
Cost of maps and plates for regular numbers	2,941 06	
Cost of maps and plates for extra numbers	61,157 10	
Cost of maps and plates		64,098 16
Cost of binding for the regular numbers	11,965 30	
Cost of binding for the extra numbers	70,487 50	
Cost of binding		82,452 80
Making an aggregate of		321,516 05
Aggregate cost for the Senate		$182,407 91
Aggregate cost for the House		321,516 05
Total cost for the 1st session 33d Congress		503,923 96

It should be understood that the foregoing statements have reference only to the *public documents* ordered *to be printed* by the two Houses of Congress, and not to the subscription, on the part of either House, to any work printed, or in progress of printing, by individual enterprise. These latter have no connexion with this office. It may, also, be proper to state that the cost of engravings and binding is made up from the data on file in this office, and may slightly vary from the true amount. The cost for printing and paper, over which, alone, this office has exclusive control, may be relied upon as substantially accurate.

The printing for the EXECUTIVE DEPARTMENTS, owing to contracts then existing, and which, to some extent, still exist, did not come within the provisions of the printing act of 1852, until the first of July, 1853. The cost of so much of this printing as has been ordered and executed through this office during the year ending the 30th June, 1854, is shown by the following statement:

Department and Bureau.	Cost of printing.	Cost of paper.	Total cost.
STATE DEPARTMENT.			
Secretary's office	$418 10	$148 62	$566 72
Copyright bureau	29 95	31 41	61 36
Passport bureau	11 00	8 87	19 87
Consular bureau	199 55	19 93	219 48
Diplomatic bureau	9 40	5 66	15 06
Roll office	11 20	8 24	19 44
	679 20	222 73	901 93
DEPARTMENT OF THE INTERIOR.			
Secretary's office	56 03	25 16	81 19
General Land Office	3,611 25	2,454 89	6,066 14
Office Indian Affairs	34 10	21 17	55 27
Pension office	835 36	399 73	1,235 09
Patent office	833 30	437 87	1,271 17
Census office	14 60	8 30	22 90
	5,384 64	3,347 12	8,731 76
WAR DEPARTMENT.			
Secretary's office	60 05	35 66	95 71
Adjutant General's office	1,017 34	540 72	1,558 06
Paymaster General's office	5 50	2 80	8 30
Quartermaster General's office	17 70	14 36	32 06
Subsistence office	3 70	1 55	5 25
Surgeon General's office	88 00	55 97	143 97
Ordnance office	61 00	6 16	67 16
Engineer's office	76 65	41 18	117 83
Office Capitol extension	4 65	4 50	9 15
	1,334 59	702 90	2,037 49
NAVY DEPARTMENT.			
Secretary's office	1,074 22	808 60	1,882 82
Bureau of Yards and Docks	276 95	27 52	304 47
Bureau of Construction, Equipment, and Repair	514 20	155 15	669 35
Bureau of Provisions and Clothing	110 71	29 53	140 24
Bureau of Ordnance and Hydrography	8 50	2 10	10 60
Bureau of Medicine and Surgery	176 98	34 91	211 89
Navy Agent's office	20 95	14 38	35 33
	2,182 51	1,072 19	3,254 70

STATEMENT—Continued.

Department and bureau.	Cost of printing.	Cost of paper.	Total cost.
TREASURY DEPARTMENT.			
Secretary's office	$893 42	$267 95	$1,161 37
Second Comptroller's office	142 95	16 32	159 27
First Auditor's office	276 62	194 38	471 00
Second Auditor's office	37 40	28 15	65 55
Third Auditor's office	57 75	41 11	98 86
Fourth Auditor's office	29 95	15 34	45 29
Fifth Auditor's office	6 15	2 76	8 91
Sixth Auditor's office	944 37	643 74	1,588 11
Register's office	215 81	100 37	316 18
Treasurer's office	106 25	72 58	178 83
Office Commissioner of Customs	8 10	7 05	15 15
Office of the Solicitor	6 30	1 40	7 70
Office Light-house Board	292 15	95 74	387 89
	3,017 22	1,486 89	4,504 11
Post Office Department	163 94	236 36	400 30
Attorney General's office	407 92	21 14	429 06
Superintendent of the Public Printing	42 29	9 93	52 22

Description of printing.	Cost of binding.	Cost of printing.	Cost of paper.	Total.
Estimates of appropriation in 1854	.....	$503 46	$79 80	$583 26
Estimates of appropriation in 1854–'5	.....	526 48	84 00	610 48
Biennial Register for 1853	$208 50	2,064 19	180 96	2,453 65
Statement of commerce and navigation for 1852	2,345 42	3,024 58	3,160 50	8,530 50
Statement of commerce and navigation for 1853	2,411 50	3,024 57	3,018 77	8,454 84
	4,965 42	9,143 28	6,524 03	20,632 73
RECAPITULATION.				
State Department	.....	679 20	222 73	901 93
Interior Department	.....	5,384 64	3,347 12	8,731 76
Treasury Department	.....	3,017 22	1,486 89	4,504 11
War Department	.....	1,334 59	702 90	2,037 49
Navy Department	.....	2,182 51	1,072 19	3,254 70
Post Office Department	.....	163 94	236 36	400 30
Attorney General's office	.....	407 92	21 14	429 06
Superintendent of the Public Printing	.....	42 29	9 93	52 22
Estimates of appropriations for 1853–'4, and 1854–'5; biennial register for 1853, and statement of commerce and navigation for 1852, and for 1853	4,965 42	9,143 28	6,524 03	20,632 73
Total	4,965 42	22,355 59	13,623 29	40,944 30

Arrangements have been made which will insure the prompt execution of the public printing for the present session of Congress. The Annual Report of the Secretary of the Treasury on the State of the Finances, with the accompanying documents, making a volume of more than five hundred pages, has already been laid upon the tables of members; the Annual Report on Commerce and Navigation will be ready during the present week; and the reports and documents accompanying the Annual Message of the President of the United States are in a great degree of forwardness, and may be expected to be ready for delivery at an early day.

All which is respectfully submitted,

A. G. SEAMAN, *Superintendent.*

Hon JESSE D. BRIGHT,
President of the Senate.

33d CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 7.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RECOMMENDING

The repeal of the act for the relief of the legal representatives of Samuel Prioleau, approved July 27, 1854, that claim having been settled under a previous act of Congress.

DECEMBER 13, 1854.—Referred to the Committee on Revolutionary Claims, and ordered to be printed.

To the Senate and House of Representatives:

An act for the relief of the legal representatives of Samuel Prioleau, deceased, which provided for the payment of the sum of six thousand nine hundred and twenty-eight dollars and sixty cents to the legal representatives of said Prioleau, by the proper accounting officer of the treasury, was approved by me July 27th, 1854. It having been ascertained that the identical claim provided for in this act was liquidated and paid under the provisions of the general act of August 4th, 1790, and of the special act of January 24th, 1795, the First Comptroller of the Treasury declined to give effect to the law first above referred to, without communicating the facts for my consideration. This refusal I regard as fully justified by the facts upon which it was predicated.

In view of the destruction of valuable papers by fire in the buildings occupied by the Treasury Department in 1813, and again in 1833, it is not surprising that cases like this should, more than seventy years after the transaction with which they were connected, be involved in much doubt. The report of the Comptroller, however, shows conclusively, by record evidence still preserved in the department and elsewhere, that the sum of six thousand one hundred and twenty-two dollars and forty-four cents, with three thousand nine hundred and eighteen dollars and thirty-six cents interest thereon from the date of the destruction of the property, making the sum of ten thousand and forty dollars and eighty cents, was allowed to Samuel Prioleau under the act for his relief, passed in 1795.

That amount was reported by the Auditor to the Comptroller on the 4th day of February, 1795, to be funded as follows, to wit:

Two-thirds of $6,122 44, called six per cent. stock....	$4,081 63
One-third, called deferred stock.....	2,040 81
Interest on the principal, called three per cent. stock...	3,918 36
	10,040 80

On the books of the loan office of South Carolina, under date of April 27, 1795, is an entry showing that there was issued of the funded six per cent. stock to Samuel Prioleau.....	$4,081 63
Of the deferred stock.....	2,040 81
Of the three per cent. stock.....	3,918 36
	10,040 80

On the ledger of said loan office an account was opened with Samuel Prioleau, in which he was credited with the three items of stock, and debited by the transfer of each certificate to certain persons named under dates of May 20, 1795, August 24, 1795, and April 19, 1796.

These records show that the account of Samuel Prioleau required to be settled by the act of January 28, 1795, was settled; that the value of the property destroyed was allowed; that the amount so found due was funded by said Prioleau, and entered by his order on the loan office books of South Carolina, and soon thereafter by him sold and transferred. That the entire funded debt of the United States was long since paid, is matter of history.

It is apparent that the claim has been prosecuted under a misapprehension on the part of the present claimants.

I present the evidence in the case collected by the First Comptroller, and embodied in his report, for your consideration, together with a copy of a letter just received by that officer from the executors of P. G. Prioleau, and respectfully recommend the repeal of the act of July 27, 1854.

FRANKLIN PIERCE.

WASHINGTON, *December* 11, 1854.

CHARLESTON, *December* 4, 1854.

DEAR SIR: We duly received your letter of the 17th ultimo, and with it a copy of your report to the Secretary of the Treasury, under date of 4th October, 1854, on the claim of the heirs of Samuel Prioleau, payment of which was directed by the act of Congress of 27th July, 1854.

In reply, we beg leave to say that the full and clear statement of the case, as set forth in the report, is, in our judgment, conclusive of the fact that the claim was settled with Samuel Prioleau under the act of 28th January, 1795, which we believed to have been unexecuted; and as the representatives of Samuel Prioleau, we acknowledge that *we are satisfied of the fact.*

We deeply regret that no evidence of the settlement could be traced before our application to Congress, notwithstanding the several, and, we believe, careful searches made at our instance, and on one occasion during the presence of one of us. Had the information been then found which you have lately discovered, you, as well as ourselves, would have been spared much trouble, and we have been spared much pain. We trust, however, that Mr. Guthrie and yourself understand that our course was suggested by a sense of duty to those whose interests we were bound, as executors, to regard; and, upon reviewing all the circumstances, we do not see that we could have done otherwise than prefer the claim.

We feel indebted to you for the kind spirit of your letter and report, and for the pains you have taken to exhibit in the latter the whole case, so that whilst you present the proofs of payment, you have also shown how it was that both we and the officers of the department were led into error, and we tender you our thanks for the considerate candor with which you exonerate us from any improper motive.

Whether the other claim adverted to in our letter of the 10th November was ever prosecuted or settled, we have no means of ascertaining. We have no information but the vague and imperfect data referred to in that letter. You will be kind enough to excuse the delay in replying to your letter. We had *personally* but a small interest in the claim, and it was desirable the other heirs should also be made acquainted with the information you had communicated.

We have the honor to be, your obedient servants,

JOHN RAVENAL,
DANIEL RAVENAL,

Executors of P. G. Prioleau, surviving executor of Samuel Prioleau.

ELISHA WHITTLESEY, Esq.,
Comptroller of the Treasury U. S., Washington.

TREASURY DEPARTMENT,
Comptroller's Office, October 4, 1854.

SIR: An act was approved, on the 27th of July last, for the relief of the legal representatives of Samuel Prioleau, deceased, and is as follows:

"That the proper accounting officers of the treasury be, and they are hereby, directed to pay to the legal representatives of Samuel Prioleau, late of Charleston, South Carolina, the sum of six thousand nine hundred and twenty-eight dollars and sixty cents, being in full compensation for property taken from said Prioleau at Charleston, for the use of the United States, during the revolutionary war." (Session Laws, private acts, page 69.)

The bill was reported in the Senate on the 6th day of February, accompanied by a report, in which reference is made to an act approved on the 28th of January, 1795, being "An act to authorize the settlement of the claims of Samuel Prioleau," and is as follows:

"That the accounting officers of the Treasury Department be, and they are hereby, *authorized to adjust and settle* the claim of Samuel

Prioleau, for property taken from him at Charleston, for the use of the United States: *Provided*, That the said Prioleau shall adduce proof, to the satisfaction of the accounting officers aforesaid, of the contract on the part of the United States to pay for the same, and likewise of the value of the property applied to public use." (Statutes at Large, vol. 6, page 18.)

It was the practice, in the early history of this government, to refer memorials for private relief to the head of the proper department, for information in matters of fact, or in regard to the principles that governed the department in settling claims of the like character; and the practice of seeking information from the accounting officers, in all cases examined by them, was practised until lately.

Samuel Prioleau applied to the Continental Congress, in 1782, for compensation, accompanied by the appraisal of the property taken by General Lincoln, in 1780, by John Neufville and J. Sarrazin, appointed commissioners, by Governor Rutledge and Mr. Prioleau, for that purpose. These commissioners reported the value of said property to have been ten thousand pounds, South Carolina currency—exchange with Great Britain seven hundred for one. The value of the property not having been paid, Mr. Prioleau presented his memorial to Congress in 1790. It was referred to Mr. Hamilton, Secretary of the Treasury, according to the practice mentioned, who reported, on the 27th of February, 1794, that "the claim is of a nature to require, in the opinion of the Secretary, a favorable consideration. He therefore submits it as advisable to authorize the accounting officers of the treasury to examine into, and, if duly established, to allow the claim."

The Committee on Revolutionary Claims in the Senate, in their report on the 6th of February, 1854, having referred to these proceedings, and to the passage of the act of January 28, 1795, said: "There seems to have been no further proceedings in the case. Why Mr. Prioleau, in his lifetime, took no steps to remove this impediment" (the proviso in the act of January 28, 1795) "to the payment of his just demand, is unknown, as he died not long after."

The committee are most probably mistaken as to the period of Mr. Prioleau's death, as it is stated in a certificate of M. T. Mendenhall, ordinary for Charleston district, South Carolina, under the seal of his court, dated the 3d of December, 1850, that "the will of Samuel Prioleau, late of said Charleston, deceased, was proved, filed, and made of record, in the court of ordinary, in this district, on the first day of March, 1813." There was probably the lapse of about eighteen years between the approval of the act referred to and the death of S. Prioleau. The committee further said: "The petitioners are his grandchildren, and the executors of his surviving executor, and only within a few years came to a correct knowledge of the case. They then applied to the accounting officer, and offered proof of the value of the property; but he required also the further proof, required by the act of 1795, of the contract to pay."

It appears from the papers that Christopher Andrews wrote to Thomas L. Smith, esq., First Auditor, on the 9th day of October, 1850, enclosed some papers, and requested him to examine them, in con-

nexion with the act for the relief of Samuel Prioleau, dated January 28, 1795.

Mr. Smith replied on the 15th of November following, and in regard to said act, among other things, said: "The act imposes two conditions on the accounting officers of the treasury without qualification: one, the evidence of a contract on the part of the United States to pay; the other, proof of the value of the property. The absence of all evidence of a contract requires an adverse report on the payment of the claim under said act, which is hereby necessarily made." It appears from the papers, that in 1845 D. Ravenal, grandson of Samuel Prioleau, and afterwards one of the executors of Dr. Philip G. Prioleau, who was executor of said Samuel Prioleau, made an inquiry, when at Washington, of R. H. Gillett, then Register of the Treasury Department, whether there was any evidence in the Register's office to support the claim of the legal representatives of Samuel Prioleau for property destroyed at Charleston by the American army during the war of the Revolution, concerning which a law was passed on the 28th of January, 1795.

Mr. Gillett wrote to Mr. Ravenal, and addressed him as president of the Planters' Bank, Charleston, South Carolina, on the 21st day of November, 1845, and stated in the letter, that "No trace of any such evidence is found. If the claim had been settled under that law, it would have been credited on the books of this office. Before such settlement, evidence in support of claims is not filed here. I can only express my regret that the search has proved so unavailing, when there is so much probability that some evidence has at some time been furnished, to some branch of the government, that the claim was well founded."

A memorial was addressed to Congress by Daniel Ravenal and John Ravenal, executors, by Christopher Andrews, their attorney, and on its being presented to the Senate on the 27th of January, 1851, 1st session 32d Congress, it was referred to the Committee on Revolutionary Claims. It does not appear that any further action was had on it at that session. At the next session it was referred to the Committee of Claims on the 10th of December, 1851, and on the 26th of January, 1852, the committee reported adversely to the claim, which report was considered and agreed to on the 30th of the same month.

The memorial was recommitted to the Committee of Claims on the 23d of March, 1852, and a bill reported for relief on the 19th of April. No further action was had at that session.

At the 1st session of the 33d Congress, on the 6th of February, 1854, another bill was reported by the Committee on Revolutionary Claims, accompanied by a report; and the bill having been passed by both houses, it became an act, by the approval of the President, on the 27th of July, as mentioned above.

The act and papers having been referred to the First Auditor for settlement of the claim, he found the sum of $6,928 60 due, on the 23d of August last, to Samuel Prioleau, deceased, late of Charleston, South Carolina, being in full compensation for property taken from him at Charleston for the use of the *United States* during the revolutionary war, *payable to the legal representatives of* the said Samuel Prioleau,

as provided in an act for the relief of the legal representatives of Samuel Prioleau, deceased, approved July 27, 1854. The statement and report are numbered 115,288.

On examining the papers for revising the proceedings of the Auditor, the evidence did not satisfy me that the amount of the loss was not paid under the act of January 28, 1795, and I deemed it to be my duty to the government, and to the legal representatives and heirs of Samuel Prioleau, to make a personal investigation of the case.

It must be borne in mind that the building occupied by the Treasury Department was destroyed by fire in 1814, when the city of Washington was captured by the British, and again in 1833; and that, in each instance, valuable books and papers were destroyed. The loss was most seriously felt in the destruction of the earlier proceedings of the department, which were only resorted to on occasional searches.

All the miscellaneous letter-books in this office, to No. 9 inclusive, were destroyed, containing all the correspondence of that character to the year 1802. No entries were found on the blotters or ledgers remaining in this office, nor any trace of a fact to show that an account had been settled in favor of Samuel Prioleau.

An application was made by me to the Register of the Treasury to cause a search to be made in his office, to ascertain if any evidence existed there to prove an account had been settled with Mr. Prioleau, or that would tend to raise a presumption that such settlement had been made.

The First Auditor was requested to make the like search in his office for similar disclosures.

Congress passed a resolution, on the 30th December, 1791, making it the duty of the Secretary of the Treasury, among other things, to report the expenditures of each year to Congress in the first week of its session. Resort was had to these reports, and to the manuscript books from which they were made, without finding evidence that any money had been paid to Mr. Prioleau under the act of 1795.

These searches had been made to find the claim had been paid in money. My construction of the act of January 28, 1795, was, that it did not contain an appropriation of money. I did not know, however, that the same construction was given to it by the accounting officers at that period; and this being the first case, within my knowledge, of funding a debt, the amount of which was ascertained under a special act of Congress for relief, my search (as was the search of Mr. Gillett and Mr. Smith) was directed by the endeavour to find evidence that the claim had been paid in money. The clerk having charge of the books and papers, in the fire-proof room, deposited with the Register of the Treasury under the requirement of law, found the statement of an account made in the First Auditor's office, on the 31st of January, 1795, and reported to the Comptroller, and by him allowed on the 2d February following, in which the accounting officers stated there was due to Samuel Prioleau from the United States, for the value of sundry buildings, his property, which were taken down during the siege of Charleston, in the late war, by order of Major General Lincoln, &c., amounting, per appraisement of John Neufville *and J. Sarrazin, esq., to* £10,000, South Carolina currency. Exchange

at 700 per cent. is £1,428 11*s.* 5*d.*—equal, at 4*s.* 8*d.* the dollar, to $6,122, 44. In a note they said: "The precise time of demolishing these buildings is not ascertained; but it must have been previous to the sur render of the place, which having happened about the middle of May, 1780, the commencement of interest is fixed at the first of that month.

This statement is numbered 6417, and endorsed: "Statement of the account of Samuel Prioleau. Registered the 31st of March, 1795, Journal B, folio 439. J. H." (indicating the clerk.) "Vouchers in box 8." Journal B was destroyed, and "box 8" is not found, nor recol lected by any person connected with the papers.

The old clerks recognised the handwriting, and they entertained no doubt of the statement being genuine. It should have been accompanied by the report of the Auditor, as revised by the Comptroller; but no other paper in regard to the claim of Samuel Prioleau was found.

A copy of said statement will accompany this, numbered 1.

Michael Nourse, esq., a clerk in the Register's office at an early period of the government, and for many years its chief clerk, being still living in Washington, I addressed a letter to him on the 4th instant, requesting information as to the loss of books in said office by fire, and in regard to the mode practised in funding the domestic debt. As to the inquiry concerning the loss of the books by fire, in the office of the Register of the Treasury, he answered:

"In relation to the inquiries relative to the books of record kept at the period referred to—whether or not now in existence; or if lost, in what manner, and also with respect to entries of the reports of the accounting officers—I have to state, that regular journals and ledgers were kept, and entries made in the reports of the Auditor, authorizing the issue of certificates, whether issued by the Register for revolutionary claims, or of the debt funded under the act of 1790. all these journals and ledgers, however, containing entries prior to the 1st of January, 1797, with the exception of one ledger of 1793–1794, were to my knowledge lost by the burning of the treasury by the British in 1814."

The memorial of said executors was accompanied by ancient copies of several papers; one of which is the copy of the original certificate of George Melvin, assistant quartermaster general of the southern department, dated 3d of October, 1781, that he did destroy and pull down several houses and buildings, by order of Major General Lincoln, and used the materials for the defence of Charleston.

Underneath this certificate, as copied, is a description given, and an appraisal of said houses and buildings, made by John Neufville and J. Sarrazin, mentioned by Mr. Hamilton in his report to Congress on the 27th of February, 1794.

These commissioners estimated the value of said houses and buildings to be ten thousand pounds, South Carolina currency—exchange with Great Britain 700 for one. A copy of that paper will accompany this, marked No. 2. The original was, undoubtedly, before the accounting officers when they settled the claim in 1795, under the act of January 28th.

Ten thousand pounds, rating the currency as fixed in the appraisal,

amounts to $6,122 44, the sum ascertained to be due by the accounting officers as set forth in the statement No. 1.

Not having been able to find payment of the money on the report of the accounting officers, resort was had to the books now in existence containing entries of the funded debts of the United States, under the provisions of the 4th and 5th sections of the act of August 4, 1790; vol. 1, page 140.

The 4th section of that act authorized a loan and a subscription to it of the principal and interest of the domestic debt. A person having a domestic debt against the United States received a certificate for two-thirds of the principal of his debt, bearing an interest of six per cent., payable quarter-yearly, and a certificate for the other third bearing an interest of six per cent. after the year 1800, payable quarter-yearly, and the principal of each certificate was subject to be redeemed as prescribed in the act.

The interest on said principal was to be computed, according to the 5th section of the act, to the last day of December then next, inclusive, and a certificate given therefor, stating that the amount mentioned therein bore interest at the rate of three per cent. per annum, payable quarter-yearly, and subject to be redeemed by payment of the sum specified therein whenever provision should be made by law for that purpose.

The accounting officers having ascertained and reported there was due to Samuel Prioleau the said sum of.....	$6,122 44
it was presented by Samuel Prioleau to be funded under the act of August 4, 1790, and they computed the interest thereon and reported the same to be.....	3,918 36
Thus making the debt due to Mr. Prioleau to be.....	10,040 80;

and that amount was reported by the Auditor to the Comptroller on the 4th of February, 1795, to be funded as follows, to wit:

Two-thirds of $6,122 44, called six per cent. stock, is...	$4,081 63
One-third of $6,122 44, called deferred stock, is.....	2,040 81
Interest on the principal, called three per cent. stock, is..	3,918 36
	10,040 80;

and certificates must have been required accordingly, from what follows.

The report of the Auditor, No. 4699, dated the 4th February, 1795, is recorded in a book in that office, labelled "Reports on certificates loaned," letter "Y;" a copy of which will accompany this, numbered 3.

On examining the loan office books of South Carolina, under date of April 29, 1795, the entry in the day-book is, that there was issued to Samuel Prioleau—

Of the funded six per cent. stock.....	$4,081 63
Of the deferred stock.....	2,040 81
Of the three per cent. stock.....	3,918 36
	10,040 80

A copy of that entry will accompany this, numbered 4.

On the ledger of said loan office an account is opened with Samuel Prioleau, in which he is credited with the three items of stock, and debited by the transfer of each certificate to certain persons named, under dates of May 20th, August 24th, 1795, and April 19th, 1796. A copy of that entry will accompany this, numbered 5.

The entries in the day-book (No. 6) were made on the presentation of the certificates which were issued by the Register of the Treasury of the United States, on the report of the accounting officers, No. 3.

Having shown by record proof that the claim of Samuel Prioleau, required to be settled by the act of January 28, 1795, was settled; that the value of the property as appraised by the commissioners was allowed; that the amount so found due was funded by said Samuel Prioleau, entered by him on the loan office books of South Carolina, and thereafter sold and transferred by him; I did not think it to be necessary or useful to trace the proceedings further, and show that the interest and instalments were regularly paid, and the certificates finally redeemed and cancelled. It is a part of the history of the country, that the funded debt of the United States has been paid. If it were otherwise, it being established by record proof that Samuel Prioleau transferred and sold his certificates of stock taken in payment of his claim, *his* debt against the United States is discharged.

There is a discrepancy between the amount required to be paid by the act of July 27, 1854, and the amount found to be due by the accounting officers under the act of January 28, 1795, of $806 16, which most probably arose from the calculation on different principles of exchange or currency. The loss to be compensated, is for the destruction of the same property in each statute; and to ascertain the value of the property, resort is had, in both instances, to the appraisement of John Neufville and J. Sarrazin, on the 5th of February, 1782.

The question is presented by the proof of payment of the whole claim to Mr. Prioleau in 1795, whether I shall give effect to the act of July 27, 1854, as an accounting officer, by signing the report No. 115,288 of the First Auditor, or withhold my signature, to give an opportunity to the President of the United States, if he thinks proper, to present the facts elicited to Congress for its further consideration? My belief is, the claimants would not have presented their memorial to Congress if they had been aware that the claim had been adjusted and paid under the act of July 28, 1795. They found copies of ancient papers satisfactorily proving to them that a meritorious claim had existed in favor of their ancestor, Samuel Prioleau; and not having found evidence among their own papers, nor in the public offices at Washington, that it had been paid, they had good grounds for concluding it was still due from the United States. The certificates having been disposed of by Mr. Prioleau soon after they were issued, the interest was paid to the purchasers or to their assigns, so that the usual evidence to perpetuate a knowledge of the settlement to the descendants did not exist. They and Congress misapprehended the facts as they existed, and now established by record proof.

This proof being before me, I *deem it to* be my duty not to give effect to *the report of the Auditor mentioned*; and I report the facts to

you, with copies of the proofs referred to, that you may present them to the President to take such measures in the premises as shall seem to him to be most proper.

Mr. Madison, when President of the United States, arrested further proceedings in executing an act of Congress by a commissioner appointed to carry it into effect, because he believed the commissioner construed the act too liberally.

An act was approved on the 9th of April, 1816, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes;" vol. 3, page 261. Richard Bland Lee was nominated, and by and with the advice of the Senate he was appointed and commissioned by the President, a commissioner to adjudicate the claims that might be within the provisions of the act. The President was authorized by the twelfth section of the act to prescribe rules and regulations to govern the action of the commissioner. That power was exercised, and rules and regulations were promulgated by the commissioner on the 3d of June, 1816.—American State Papers, vol. Claims, page 490.

The following is a part of the fourteenth section of the act of April 9, 1816: "And when such judgment shall be in favor of such claim, shall entitle the claimant, or his legal representative, upon the production of a copy of such judgment duly certified by the clerk of said commissioner, to payment of the amount thereof, at the treasury of the United States;" vol. 3, page 264. Mr. Madison suspended further proceedings of Mr. Lee as such commissioner, and on the 6th of December, 1816, gave information thereof to Congress, by a special message, in which he said: "I thought it proper that proceedings relative to claims under that part of the act" (referring to the 9th section) "should be suspended until Congress should have an opportunity of defining more precisely the cases contemplated by them."—American State Papers, vol. Claims, page 484. The message was referred to the Committee of Claims, and on the 17th of December, 1816, they presented a report and bill, adopting the recommendation of Mr. Madison.—American State Papers, vol. Claims, page 486. The bill was passed by both houses, and became an act by the approval of the President on the 3d of March, 1817.—Statutes, vol. 3, page 397.

Congress approved of the measures taken by Mr. Madison to prevent payment of money from the treasury under express provisions of law, when he was reasonably satisfied it was not justly due.

Respectfully submitted by, yours,

ELISHA WHITTLESEY.

Hon. JAMES GUTHRIE,
Secretary of the Treasury.

No. 1.

The United States to Samuel Prioleau, jr......DR.

For the value of sundry buildings, his property, which were taken down during the siege of Charleston in the late war, by order of Major *General Lincoln,* and the materials thereof applied to public use in

defending said place; amounting, per appraisement of John Neufville and J. Sarrazin, esqs., to £10,000 South Carolina currency; exchange at 700 per cent. is £1,428 11*s.* 5*d.*, equal, at 4*s.* 8*d.* the dollar, to $6,122 44.

NOTE.—The precise time of demolishing these buildings is not ascertained, but it must have been previous to the surrender of the place, which having happened about the middle of May, 1780, the commencement of the interest is fixed at the first of that month.

AUDITOR'S OFFICE, *January* 31, 1795.

Stated. JOHN GIBSON.

COMPTROLLER'S OFFICE, *February* 2, 1795.

A. BRODIE.

Endorsed as follows: "No. 6417. Statement of the account of Samuel Prioleau; register March 31, 1795, jour. B, folio 439; vouchers in box No. 8; Ex'd.—A. B."

No. 2.

This is to certify that I did, by order of the Hon. Major General Lincoln, pull down, blow up and destroy nine two-story tenements, built and covered with stone; two large brick stores, a story and a half high, built with brick and covered with tile; one large scale-house, and four stores built with brick and covered with stone, and made use of the materials for the defence of Charleston.

Given under my hand at Philadelphia this 3d October, 1781.

GEO. MELVIN,
A. Q. M. General, Southern Department.

Nine tenements built and covered with stone, two story high; each tenement sixteen feet wide in the clear, and twenty-four feet deep from out to out. Each tenement had four rooms; two fire-places below and one above the stores, about eight feet high, and deep cellars two brick thick; the *petition* one brick thick, and went up to the top of the roof. A scale-house two story high, about thirteen feet by thirty-four, built and covered with stone; four stores one story high, built with bricks and covered with stone. The *petition* went up to the top of the roof, twenty-two feet wide by twenty-four. Two stores built with brick and covered with tile, fifty feet by thirty, one story and a half high, with cellars; the cellars two brick thick.

At the time of the siege of Charleston, it was thought necessary for the service that the buildings on Mr. Samuel Prioleau, jr.'s wharf should be taken down; in consequence of which his excellency John Rutledge, esq., directed me, on behalf of the State, the other for the proprietor, to take a survey of the said buildings and return an estimate of their value. We then not having an opportunity of meeting, have, since our arrival in the city, taken up the matter, and have estimated the value agreeable to the prices given for materials and workmanship in the year 1775; *do report, that the said buildings*, to the best of our

opinions and from the information we could get, are worth ten thousand pounds, South Carolina currency; exchange with Great Britain 700 for one.

JOHN NEUFVILLE.
J. SARRAZIN.

PHILADELPHIA, *February* 5, 1782.

No. 3.

[No. 4699.] TREASURY DEPARTMENT,
Auditor's Office, February 4, 1795.

I hereby certify that Samuel Prioleau, of South Carolina, has presented to me certificates of public debt of the following descriptions, viz:

No. of certificates.	By whom issued.	Old commission.	Specie value.
1	Joseph Nourse, Register		$6,122 44
	Interest due per account		3,918 36
1	Amounting in the whole to		10,040 80

For which sum, being ten thousand and forty dollars and eighty cents, the said Samuel Prioleau is entitled to the following certificates of funded debt, viz:

One certificate, bearing interest at six per cent. per annum, from the first day of January, 1791, payable quarter-yearly, and redeemable by payments not exceeding in one year the proportion of eight dollars upon a hundred, on account of principal and interest	$4,081 63
One certificate bearing the like interest, from January 1, 1801, and subject to be redeemed in like manner	2,040 81
One certificate bearing interest at three per cent. per annum from the first day of January, 1791, payable quarter-yearly, and redeemable at the pleasure of the United States	3,918 36
	10,040 80

The statement and certificates on which this report is founded, are herewith transmitted for the decision of the Comptroller of the Treasury thereon.

R. HARRISON, *Auditor.*

OLIVER WOLCOTT, Esq.,
Comptroller of the Treasury of the United States.

No. 4.

151. *Sundry accounts to Samuel Prioleau, of Charleston*.....Dr.

145. Funded 6 per cent. stock, as per treasury warrant No. 11,632, transferred from the treasury, bearing interest from the 1st January, 1791.....	$4,081 63
131. Funded deferred stock, as per treasury warrant No. 11,630, transferred from the treasury.....	2,040 81
132. Funded 3 per cent. stock, as per treasury warrant No. 11,631, transferred from the treasury, bearing interest from 1st January, 1791.....	3,918 36
	10,040 80

No. 5.

Samuel Prioleau, of Charleston.

1795.		Dr.	
May 20	217	To Nathaniel Russell, for 3 per cent. stock.....	$3,918 36
August 24	224	To John Price, for 6 per cent. stock.....	4,081 63
1796.			
April 19	237	To John J. Pringle, for deferred stock	2,040 81
			10,040 80
1795.		Cr.	
April 29	215	By funded 6 per cent. stock	$4,081 65
		By deferred 6 per cent. stock	2,040 81
		By 3 per cent. stock.....	3,918 36
			10,040 80

33D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 8.

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

The report of the Board of Officers appointed to examine claims contracted in California under Lieut. Col. Frémont, in 1846–'47.

DECEMBER 14, 1854.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

WAR DEPARTMENT,
Washington, December 12, 1854.

SIR: I have the honor to transmit herewith the report of the Board of Officers, appointed under the sixth section of the army appropriation act, approved August 31, 1852, for the examination of claims contracted in California under Lieut. Col. Frémont, in 1846–'47. The report contains all the claims submitted to the Board up to the 5th instant.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. J. D. BRIGHT,
President pro tem. of the Senate.

OFFICE OF THE BOARD FOR THE EXAMINATION OF CLAIMS CONTRACTED IN CALIFORNIA UNDER LIEUT. COL. FREMONT, NEAR THE CORNER OF F. AND 22D STREETS,

Washington, D. C., December 5, 1854.

To the Senate and House of Representatives of the United States:

The Board of Officers of the army, appointed by the Secretary of War, under the sixth section of the act making appropriations for the support of the army, for the year ending June 30, 1853, approved August 31, 1852, (see accompanying document marked A,) has the honor to submit the following report of its proceedings, since the report of the Board submitted (through the War Department) to the 33d Congress, under date of March 13, 1854. (See Senate executive document, No. 49, 1st session, 33d Congress, page 2.)

Since the date of that report additional claims, amounting to one hundred and four thousand eight *hundred* and eleven dollars and thirty-two *cents and five-sixths of a cent* ($104,811 32⅚) have been

received for examination. Testimony has also been received in relation to claims then held suspended, as well as those since received.

In all cases held suspended at the date of its latest report, the Board desires that the present report may be considered as superseding that heretofore made.

The total of the claims presented for examination to this date amounts to nine hundred and sixty thousand six hundred and fourteen dollars ninety one and one-third cents ($960,614 91⅓.) Of this sum, one hundred and forty-nine thousand two hundred and thirty-six dollars and a half cent ($149,236 00½) have been paid, or are yet to be paid, at the treasury, Congress having appropriated money for that purpose on the recommendation of the Board; eight thousand one hundred and twenty-nine dollars and forty and one-third cents ($8,129 40⅓) are allowed and recommended by the Board to the favorable consideration of Congress; one hundred and fifty-seven thousand three hundred and seventeen dollars and sixty-five cents ($157,317 65) disallowed; three hundred and seven thousand nine hundred and twenty-seven dollars and thirty-four and a half cents ($307,927 34½) suspended for want of testimony or explanation; one hundred and eighty-six thousand five hundred and nine dollars and fifteen cents ($186,509 15) ruled out as not coming within the letter of the law for examination—although a large part of this sum, one hundred and fifty-five thousand six hundred and fifty-seven dollars and fifteen cents, ($155,657 15,) the total of claims, numbers 222, 229, 281, 305, 306, and 307, ought to receive the scrutiny of the Board; three thousand six hundred and ninety-five dollars and thirty-six cents ($3,695 36) ought to be paid at the treasury without further legislation, perhaps have been paid, never requiring the action of the Board nor the special legislation of Congress for settlement; and one hundred and forty-seven thousand eight hundred dollars ($147,800) have been withdrawn, and in certain cases the claims submitted in another form, and at reduced rates. (See accompanying document marked B, being a schedule of all the claims presented, with the action of the Board in each case.)

Excluding the amount of the claims withdrawn, and including in the amount held suspended the amount of the claims *ruled out*, but which would require further legislation to bring them before the Board, it will be perceived that more than one half of the whole amount submitted is held suspended for want of testimony or explanation. In this connexion the Board renews its recommendation—twice before presented to Congress—that the power and the means be granted to enable the Board to investigate in California, where only it can be done to advantage, the claims now held suspended. The interests of the government not less than simple justice to honest claimants demand this.

It will also be perceived, that while the Board has in many instances recommended payment for all the articles proven to have been furnished or taken, it has reduced the amount to be paid for them. In arriving at this conclusion the Board has been governed by the prices paid by the disbursing officers of the batallion, who made purchases and payments during the period embraced by these claims, and by the *due bills and receipts* given by them and others for similar articles *purchased or taken* during the same time.

ted in its latest report, the following scale of prices appearing oard not only equitable, but liberal, as compared with the ansactions which occurred while the batallion was in service, r due examination and deliberation, adopted by the Board on January ultimo, and has governed it in its recommendations ess in all the claims before it, where a different valuation was actorily established, viz:

irst quality	$30 00
econd quality	20 00
third quality	10 00
where the quality is not stated	25 00
	10 00
	25 00
rst quality	10 00
econd quality	8 00
iird quality	6 00
here the quality is not stated	8 00
	2 50
rst quality	10 00
cond quality	8 00
here the quality is not stated	8 00
uperior	50 00
er pair	30 00
er pair, superior	50 00
evolvers	50 00
nives	5 00
	30 00
	6 00
	5 00
bridles, and spurs	41 00
r fanega	3 00
do	3 00
do	3 00
do	3 00

f the claims presented are based upon *due bills* given by *Major Snyder*, quartermaster of the batallion, agreeably to "vouchers ." Upon application to the major for the "vouchers," he d to the Board, in December, 1853, "all the papers in his n" relating to his duties as a disbursing officer of the batal- nongst the papers thus transmitted were found the "vouchers" o in his *due bills*, which have been withdrawn from his papers with the claim, although it will be seen that the accounts are , as if the amounts had been actually paid by him at the time. e many similar accounts, also receipted, among the papers l by Major Snyder.

examination at the treasury it was ascertained that several hich had been presented to the Board for examination had een paid, *and vouchers passed to the* credit of the disbursing *the treasury. It is possible that* some of those allowed by

the Board have also been paid; to guard against their being paid a second time, the Board recommends that *all* of the claims when presented for payment be examined by the proper Auditors of the treasury, and compared with the accounts of the batallion which have been adjusted there, before payment on them is made.

There is a class of claims which the Board cannot now but *rule out* under the letter of the law, which it is highly probable was intended to be included when the law was framed; it is for *destruction of property by the enemy, occasioned by the occupancy of the claimant's premises by American troops.* Special legislation would be necessary to embrace this class among the claims to be examined by the Board, which is recommended. It is also recommended to embrace in the law any cases for examination that may be presented for *destruction of the claimant's property by order of the commander of the American forces.*

For a special report on each of the claims presented to this date, see the accompanying document, (a book,) marked "*Register of California Claims*, 1846–'47," which contains a copy of each claim, with the evidence in the case.

In conclusion it seems proper to remark, that in all cases where a claim, or any part of it, has been recommended to the favorable consideration of Congress, the vote of the board has been unanimous.

C. F. SMITH,
Col. United States Army.
CHARLES THOMAS,
Lieut. Col. United States Army.
R. B. LEE, *Commissary Subsistence,*
Major United States Army.

A.

SPECIAL ORDERS, No. 136. } ADJUTANT GENERAL'S OFFICE, *Washington, September* 7, 1852.

The following order has been received from the War Department:

WAR DEPARTMENT, *September* 6, 1852.

"Agreeably to the requirements of the sixth section of the act of August 31, 1852, making appropriations for the support of the army for the year ending June 30, 1853, a Board of officers, to consist of Brevet Colonel Charles F. Smith, second artillery, Lieutenant Colonel Charles Thomas, deputy quartermaster general, Major Richard B. Lee, commissary of subsistence, is hereby appointed to examine and report to Congress upon all such claims as may be presented for funds advanced, and subsistence and supplies furnished or taken, for the use of the volunteers serving under the command of Captain John C. *Frémont, in California*, during the year 1846."

The Board will meet and organize in the the city of Washington, on the 13th of the present month, or as soon thereafter as practicable.

C. M. CONRAD,
Secretary of War.

Published to the army by command of Major General Scott.

S. COOPER,
Adjutant General.

"SEC. 6. *And be it further enacted*, That, for the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Frémont, in California, during the year eighteen hundred and forty-six, as appears by the muster rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers in said service, one hundred and sixty-eight thousand dollars, is hereby appropriated out of any money in the treasury not otherwise appropriated; and the Secretary of War is authorized and empowered to appoint three competent and disinterested officers of the army to examine and report to Congress upon all such claims as may be presented for funds advanced, and subsistence and supplies of all kinds furnished or taken, for the use of said command, whilst thus engaged in the public service; and for the expenses of said Board of officers the sum of two thousand dollars is hereby appropriated."

B—*Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in* 1846–'47—Continued.

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount paid, or to be paid at the Treasury, by act of Congress on the recommendation of the Board.	Amount allowed.	Amount disallowed.	Amount suspended.	Amount ruled out.	Amount paid, or to be paid at the Treasury, for which the action of the Board was not requisite.	Amounts withdrawn.
78	James Stokes	Subsistence, &c	$34 25	$34 25						
79	James Stokes	Subsistence, &c	241 08	241 08						
80	James Stokes	A horse	80 00	80 00						
81	D. Fallon	A tent	15 00	15 00						
82	S. Finley	A rifle	15 00	15 00						
83	William O'Conner	A cow	8 00	8 00						
84	James Stokes	Tea	20 00	20 00						
85	James Stokes	Cash	67 00	67 00						
86	James Stokes	Cash	12 00	12 00						
87	James Stokes	Cash and dry goods	34 00	34 00						
88	Charles Weber	Shoes, tobacco, &c	10 00	10 00						
89	Vicente Gomez	Horses, saddles, &c	525 00	525 00						
90	James Stokes	Saddles, &c	21 00	21 00						
91	.....	Groceries	25 25	.....			$25 25			
92	.....	Groceries	25 00	.....			25 00			
93	Frank Leitstone	Dry goods	209 50	209 50						
94	Jose Martines	Horses	120 00	120 00						
95	Tomasa Hernandes	Horses, &c	100 00	100 00						
96	Miguel Castro	Horses, &c	174 00	174 00						
97	Antonio Garman	Horses, &c	350 00	350 00						
98	Thomas M. Robbins	Subsistence, groceries, &c	148 46	148 46						
99	Francisco ——,	Services rendered	42 00	42 00						
100	Antonio Carrillo	Groceries, &c	1,162 62	600 00		$562 62				
101	Thomas H. Burgess	A rifle	35 00	35 00						
102	Benjamin Foxen	Subsistence	80 00	80 00						
103	Benjamin Foxen	Forage, &c	35 00	35 00						
104	John Davis	Blacksmith's work	28 87½	28 87½						
105	William Dana	A cutlass	12 00	12 00						
106	Antonio Cot	Horses, &c	283 00	195 00			88 00			
107	Julio Cretaine	Clothing	475 13	475 13						
108	William Knight	Clothing	9 00	9 00						
109	Charles H. Burch	A saddle, &c	15 00	15 00						
110	George W. Vincent	Pistols	12 00	12 00						
111	Moses Carson	Horses, arms, &c	658 00	.....			658 00			
112	Mellus & Howard	Subsistence and ordnance	186 58	186 58						
113	Talbot H. Green	Cash	350 00	350 00						

114	John Temple	Subsistence and equipments	39 50	39 50						
115	David Alexander	Subsistence, fuel, and transportation	27 00	27 00						
116	John Foster	Horses	60 00	60 00						
117	Abel Stearns	Transportation, &c	26 00	26 00						
118	Manuel Requene	Pistols	35 00	35 00						
119	Abel Stearns	Ordnance and stationery	161 50	161 50						
120	Charles W. Flugge	Ordnance and stationery	42 50	42 50						
121	Francisco Figuerra	Ordnance and forage	198 75	198 75						
122	Alexander Bell	Subsistence, ordnance forage, &c	761 89	761 89						
123	John Domingo	Repairs to property	40 00	40 00						
124	Jacob Green	A horse	25 00	25 00						
125	William L. Todd	A rifle	35 00	35 00						
126	William Knight	Services rendered	300 00	300 00						
127	William Dickey	A horse	35 00	35 00						
128	Robert E. Russell	Property lost	46 25	46 25						
129	Marion Wise	Goods	14 50					*k* $14 50		
130	Marion Wise	Horses	50 00	50 00						
131	Marion Wise	A horse, &c	34 50	34 50						
132	T. S. Martin	A rifle	50 00		$50 00					
133	William N. Loker	Quarters and fuel	161 50	161 50						
134	William H. Russell	Transportation, subsistence, &c	517 21	517 21						
135	William H. Russell	Horses	50 00	50 00						
136	John C. Fremont	Cash	4,500 00							*l* $4,500 00
137	Miles Goodyear	Deer skins	662 50			*m* 662 50				
138	Miles Goodyear	Deer skins and tobacco	1,185 50	1,185 50						
139	Alexander Bell	Rent of officer's quarters	200 00	200 00						
140	Alexander Bell	Quarters and fuel	229 16	229 16						
141	Henry Mellus	Camp equipage	27 75	27 75						
142	Nathan Barber	A saddle	25 00	25 00						
143	Julio Cretaine	Stationery	45 25	45 25						
144	Richard Ridley	A horse	40 00	40 00						
145	Magdalena Ortega	A horse	20 00	20 00						
146	Jose Salazar	Cattle	278 00	278 00						
147	Richard Ridley	Carpenter's work	25 00	25 00						
148	Henry Mellus	Arms, &c	158 00	158 00						
149	Frederick Terchemaker	A sword	12 00	12 00						
150	William A. Richardson	Horses, cattle, subsistence, transportation, &c	6,688 00		1,928 00	2,685 00	2,070 00			
151	Alexander Bell	Cash	2,885 98						*n* $2,885 98	
152	Abel Stearns	Cash	841 50						*o* 841 50	
153	Jacob P. Leese	Horses, arms, groceries, &c	6,189 50	3,934 50		2,255 00				
154	Antonio Jose Cot	Cash	*p* 3,240 00	3,240 00						
155	John Adams	Harness	200 00		50 00	150 00				
156	Lewis T. Burton	Clothing	168 50	168 50						
157	Mariana Wilson	Powder	75 00	25 00		50 00				
158	John Wilson	Coffee	36 00	36 00						
159	Mariana Wilson	A saddle	11 00	11 00						
	Francisco Castro	Horses, cattle, &c	3,045 00				3,045 00			

k Included in claim No. 131.

l This was withdrawn as a claim before the Board. It has been settled by act of Congress. See act for relief of Lt. Col. Fremont, approved March 3, 1853, being included in claim No. 6.

m Disallowed; being included in claim No. 137.

n This amount is on the books at the Treasury to the credit of the claimant.

o This amount is on the books at the Treasury to the credit of the claimant.

p The claim is for $3,000, and interest at 2 per cent. a month for 4 months.

B—*Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in* 1846–'47—Continued.

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount paid, or to be paid at the Treasury, by act of Congress on the recommendation of the Board.	Amount allowed.	Amount disallowed.	Amount suspended.	Amount ruled out.	Amount paid, or to be paid at the Treasury, for which the action of the Board was not requisite.	Amount withdrawn.
160	Jose Jesus Vallego	Horses, cattle, &c	$2,925 00				$2,925 00			
161	Francisco Arce	Horses	5,000 00				5,000 00			
162	Bruno Bernal	Horses, cattle, &c	10,750 00				10,750 00			
163	Francisco Z. Branch	Horses	1,250 00					q $1,250 00		
164	Jose S. Berreyesa	Horses, cattle, &c	5,595 00				5,595 00			
165	Victor Castro	Horses, cattle, &c	12,912 50				12,912 50			
166	Joachim J. Castro	Horses, cattle, &c	8,516 00				8,516 00			
167	Maria Josepha Sanchez	Horses, cattle, &c	9,080 00				9,080 00			
168	Ignacio Pacheco	Horses, cattle, &c	5,540 00				5,540 00			
169	Juan B. Alvarado	Horses, cattle, &c	11,605 00				11,605 00			
170	Marcus Vacca	Horses, cattle, &c	4,967 00				4,967 00			
171	Benito Diaz	Horses, cattle, &c	1,505 00				1,505 00			
172	Jose Raphael Gonzales	Horses, cattle, &c	26,200 00				26,200 00			
173	Vicente P. Gomez	Horses, cattle, &c	11,321 25				11,321 25			
174	Gabriel de la Torre	Horses, cattle, &c	2,575 00				2,575 00			
175	Francisco Pico	Horses, cattle, &c	2,950 00				2,950 00			
176	Pedro Basques	Horses, cattle, &c	3,375 00				3,375 00			
177	Santiago Duckworth	Horses, cattle, &c	2,950 00				2,950 00			
178	Vicente Espinosa	Horses, cattle, &c	2,285 00				2,285 00			
179	Vicente Martinez	Horses	5,060 00				5,060 00			
180	Grimes & Sinclair	Horses, &c	350 00	$350 00						
181	John Sinclair	Horses	75 00	75 00						
182	Michael Nye	Horses and saddles	91 00	91 00						
183	Lewis Vigne	Building materials, ordnance, &c	282 58	282 58						
184	Lewis Vigne	Camp equipage, clothing, &c	542 00	542 00						
185	Lewis Vigne	Wheat	169 50	169 50						
186	Lewis Vigne	Blankets	88 00	88 00						
187	John Reed	Ordnance	65 00	65 00						
188	John Reed	Keeping horses	165 00	165 00						
189	John Reed	A horse	25 00	25 00						
190	Gabriel Scott	A rifle	35 00	35 00						
191	Bernardina Lopez	Fuel	40 00	40 00						
192	James McCleary	A saddle	15 00	15 00						
193	Henry Wood	Work done	30 50	30 50						
194	John Temple	Corn, wheat, &c	425 25				425 25			
195	Manuel de Leiveira	Taking care of public property	206 92	206 92						

197	Santiago E. Arguello	Horses, cattle, &c	14,688 00					r 14,688 00		
198	Juan Maria Maron	Horses	575 00	575 00						
199	Santiago E. Arguello	Cattle, sheep, &c	6,800 00	6,800 00						
200	John Monet	A rifle, &c	80 00				80 00			
201	Nicanor Lugo	Horses, cattle, &c	1,970 00				1,970 00			
202	Bernardina Soto	Horses, cattle, &c	878 00				878 00			
203	Vicente Cantua	Horses, cattle, &c	3,661 50				3,661 50			
204	Horace Saunders	A horse	90 00	90 00						
205	G. W. Bellamy	Stocking a rifle	12 00	12 00						
206	G. W. Bellamy	A horse	80 00	80 00						
207	Joachim and Juan Higera	Horses	80 00	80 00						
208	Juan Pedro Alaviza	Horses, &c	11,565 00				11,565 00			
209	William Stenner	Transportation	950 00			$950 00				
210	Daniel Murphy	A horse	15 00	15 00						
211	Thomas Kell	A rifle	35 00	35 00						
212	Thomas Kell	A tent cover	16 00	16 00						
213	James McDowell	Gunsmith's work	108 00	108 00						
214	James McDowell	Gunsmith's work	4 25	4 25						
215	James McDowell	Bridles, spurs, &c	11 00	11 00						
216	Thomas J. Shaddon	Horses	50 00	50 00						
217	Swift & Ford	Horses	1,920 00				1,920 00			
218	Milton Little	Clothing, &c	166 75				166 75			
219	Charles E. Pickett	A rifle	100 00				100 00			
220	Charles E. Pickett	Horses	160 00				160 00			
221	Charles E. Pickett	A saddle, &c	35 00				35 00			
222	Mariano Soberanoes	Horses, cattle, &c	19,980 50	423 00				s 19,507 50		
223	Jose Castro	Horses	20,000 00				20,000 00			
224	Pancho Garcia	Horses, cattle, &c	1,585 00				1,585 00			
225	Mariano Miranda	Horses, cattle, &c	4,405 00				4,405 00			
226	Francisco Moraga	Horses, arms, &c	3,320 00				3,320 00			
227	Bernardina Garcia	Horses, &c	1,375 00				1,375 00			
228	Alexandro Mesa	Horses and mules	4,220 00				4,220 00			
229	Isaac Williams	Destruction of house, &c	138,008 40					t 138,008 40		
230	William D. Phelps	Services of boat's crew and use of boats	10,000 00	50 00		9,950 00				
231	Henry King	Horses, &c	110 00				110 00			
232	Lewis T. Burton	Horses	235 00	235 00						
233	Lewis T. Burton	Horses	150 00				150 00			
234	Lewis T. Burton	A sword	35 00	35 00						
235	Huber Petit	A horse	35 00	35 00						
236	William Hartgrave	Quarters and fuel	65 88	65 88						
237	William Horn	A rifle	25 00	25 00						
238	William Daylor	Horses	50 00	50 00						
239	Samuel Kelsey	Subsistence	14 85			14 85				
240	Samuel Kelsey	Services as cook, &c	19 75			19 75				
241	Franklin Sears	Services as carpenter	80 50	80 50						

q Destruction of property by Mexican troops.

r Destruction of property by Mexican troops. $11,548 of this recommended to the favorable consideration of Congress. (See report 142, Senate, 1st session, 32d Congress. Senate bill, No. 305.)

s Property alleged to have been destroyed by order of Lieutenant Colonel Fremont. Recommended for examination by the board.

t Property destroyed by Mexican troops. Recommended for examination by the board.

B—*Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in* 1846–'47—Continued.

Number of claim.	Original claimant.	Nature of claim.	Amount claimed.	Amount paid, or to be paid at the treasury, by act of Congress, on the recommendation of the board.	Amount allowed.	Amount disallowed.	Amount suspended.	Amount ruled out.	Amount paid, or to be paid at the treasury, for which the action of the board was not requisite.	Amount withdrawn.
242	B. K. Thompson	Cash	$45 00						u $45 00	
243	William M. Hughes	Work done	135 00	$135 00						
244	Thomas Fallon	Horses, mules, &c	288 00	288 00						
245	H. C. Smith	A rifle	25 00				$25 00			
246	Carlos Antonio Carrillo	Horses, &c	14,010 00	4,035 00		$9,975 00				
247	Isaac J. Sparks	Clothing, horses, &c	687 74	687 74						
248	Jose Rodrigues	Keeping horses	46 00	46 00						
249	William Fallon	A mule	50 00	50 00						
250	Isaac J. Sparks	Sugar	16 00	16 00						
251	Bernardina Lopez	A saddle, &c	20 00	20 00						
252	William Breck	A horse, &c	30 00	30 00						
253	William F. Swasey	A saddle, &c	40 00	40 00						
254	Manuel Joy	A horse		20 00			20 00			
255	Paschal Botaires	Horses	36 00	36 00						
256	Isaac J. Sparks	Percussion caps and a rifle	102 50	102 90						
257	William Breck	A rifle and pistols	80 00				80 00			
258	Isaac J. Sparks	Powder, lead, &c	73 00	73 00						
259	Isaac J. Sparks	A rifle and pistols	90 00				90 00			
260	Isaac J. Sparks	Cash	50 00	50 00						
261	Isaac J. Sparks	Wheat	19 00	19 00						
262	Isaac J. Sparks	Tobacco	11 00				11 00			
263	Isaac J. Sparks	A rifle	50 00	50 00						
264	Samuel Gibson	Quarters and fuel	78 45	78 45						
265	Samuel Gibson	Quarters and fuel	115 62	115 62						
266	J. P. Long	Quarters and fuel	121 74	121 74						
267	Nathan Barber	Shoes	2 50	2 50						
268	Nathan Barber	Injury to rifle	3 00	3 00						
269	John Grigsby	Horses and cattle	Not stated.			v Not stated.				
270	John Grigsby	Saddles, &c	44 00				44 00			
271	John Grigsby	Transportation	12 00	12 00						
272	John Grigsby	Horses, &c	135 00				135 00			
273	Elias Barnett	Horses	115 00				115 00			
274	Elias Barnett	A saddle, &c	20 25				20 25			
275	A. C. Jessee	A saddle, &c	18 50				18 50			
276	P. B. Reading	Quarters and fuel	250 29	250 29						
277	J. A. Griffith	Repairing barracks	1,000 00				1,000 00			

278	Patterson & Foster	Mules	50 00	50 00							
279	Manuel Espinosa	A rifle, &c	45 00						w 45 00		
280	John P. Long	Clothing	43 00						x 43 00		
281	Isaac Williams	Arms	588 25						y 588 25		
282	Samuel J. Hensley	Cash	256 88		z 256 88						
283	Samuel J. Hensley	Quarters and fuel	875 61		875 61						
284	Richard S. Den	Services as medical officer	1,020 00		470 00	550 00					
285	Thomas J. Shadden	Services as vaquero	787 49		787 49						
286	A. H. Gillispie	Quarters and fuel	346 89		346 89						
287	Risdon Moore	Work done	217 25				217 25				
288	Risdon Moore	Work done	307 50		307 50						
289	George Harlin	Hauling wood	24 00		24 00						
290	Louis Robidoux	Arms, &c	110 50						aa 110 50		
291	Louis Robidoux	Clothing	16 00				16 00				
292	James R. Barton	Quarters and fuel	90 64		90 64						
293	Henry Beeson	A horse	15 00		15 00						
294	John Roland	Subsistence	345 00		345 00						
295	John Roland	Keeping mules	22 00		22 00						
296	John Roland	Arms	55 00						bb 55 00		
297	Ralph L. Kilburn	Services as scout	217 48				217 48				
298	G. P. Swift	Quarters and fuel	171 50		171 50						
299	Philip Crowley	A horse	50 00		50 00						
300	Mary Bennett	Horses	120 00				120 00				
301	William Anderson	Horses, &c	1,500 00				1,500 00				
302	William Anderson	Horses, arms, &c	171 00				171 00				
303	Jose Maria Sanchez	Horses	670 00				670 00				
304	William Knight	Horses	195 00				195 00				
305	John Roland	Horses, cattle, &c	1,460 00						cc 1,460 00		
306	Joseph Perdue	Horses, cattle, &c	1,805 00						dd 1,805 00		
307	John Reed	Horses, cattle, &c	788 00						ee 788 00		
308	M. M. Wambough	A horse	25 00				25 00				
309	H. L. Ford	Clothing	166 75				166 75				
310	John Temple	Ordnance supplies	247 25				247 25				
311	Hiram Rhensaw	Arms	15 00						ff 15 00		
312	George McDougall	Clothing	35 00				35 00				
313	D. A. Davis	Arms, &c	35 00						gg 35 00		
314	John Temple	Sundries	2,760 12½				2,760 12½				
315	John Temple	Sundries	1,084 46				1,084 46				
316	Jose Salazar	Clothing, &c	335 25		335 25						
317	Alfred Anselen	Quarters and fuel	198 08		198 08						
318	W. D. Bradshaw	Quarters and fuel	182 00		182 00						
319	Paul Sweet	Saddle rigging	35 00		35 00						
320	G. P. Swift	Quarters and fuel	27 62		27 62						
321	Vance Weever	A saddle, &c	18 00				18 00				

w This amount on the books at the treasury to the credit of the claimant.
v Disallowed, the animals claimed belonging to the United States.
w Not within the jurisdiction of the Board for examination.
x Not within the jurisdiction of the Board for examination.
y Destruction of property by American troops; recommended for examination by the Board.
z An appropriation by Congress not necessary.

aa Not within the jurisdiction of the Board for examination.
bb Not within the jurisdiction of the Board for examination.
cc Recommended for examination by the Board.
dd Recommended for examination by the Board.
ee Recommended for examination by the Board.
ff Not within the jurisdiction of the Board for examination.
gg Not within the jurisdiction of the Board for examination.

B—*Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in* 1846–'47—Continued.

Number of claim.	Original claimant.	Nature of claim.	Amount claimed.	Amount paid, or to be paid at the treasury, by act of Congress on the recommendation of the board.	Amount allowed.	Amount disallowed	Amount suspended.	Amount ruled out.	Amount paid, or to be paid at the treasury, for which the action of the board was not requisite.	Amount withdrawn.
322	John Temple	Sundries	$7 75				$7 75			
323	John Temple	Subsistence	976 09			$976 09				
324	John Temple	Tin cups, &c.	18 00				18 00			
325	John Temple	Supplies	143 26				143 26			
326	William H. Russell	A rifle	95 00		$95 00					
327	John Temple	Cattle, saddles, bridles, clothing, &c	7,962 50					‡‡$7,962 50		
328	Leonardo Yguera	Horses, cattle, arms, &c	12,072 00				12,072 00			
329	Juan de Dios Silva	Horses, cattle, arms, &c	10,695 00				10,695 00			
330	Manuel Castro	Horses and cattle	10,080 00				10,080 00			
331	Francisco Gonzales	Horses, cattle, arms, &c	15,850 00				15,850 00			
332	Francisco Garcia	Horses, cattle, arms, &c	14,625 00				14,625 00			
333	Ramon Miramontes	Horses, cattle, arms, &c	15,010 00				15,010 00			
334	B. M. Headspeath	Quarters and fuel	193 00		170 00	23 00				
335	John Myers	Quarters and fuel	130 33⅓		130 33⅓					
336	Joseph Ferguson	A horse	25 00					‡‡ 25 00		
337	James Barrett	A mule	35 00		35 00					
338	Thomas Breckenridge	A rifle	30 00		30 00					
339	Benjamin Headspeath	Sundries	137 31				137 31			
340	F. E. Breckenridge	A horse	20 00				20 00			
341	Jacob R. Snyder	Quarters and fuel	283 16		283 16					
			960,614 91⅓	149,286 00⅓	*8,129 40⅓	157,817 65	307,927 34⅓	186,509 15	$3,695 86	$147,800 00

‡‡ Not within the jurisdiction of the Board for examination.
‡‡ Not within the jurisdiction of the Board for examination.

* An appropriation for $256 88 of this amount is not necessary. (See claim No. 289.)

ALPHABETICAL LIST OF CLAIMANTS.

Names.	No. of claim.
A.	
José	26
José	69
ı, E	61
ı, E	64
ler, David	115
John	154
rancisco	161
o, Juan B	169
ɔ, Santiago E	197
ɔ, Santiago E	199
, Juan Pedro	208
ın, William	301
ın, William	302
, Alfred	317
B.	
a, Francisco	45
ı, Alfred	46
Charles	55
Charles H	109
, Narcissa	73
ı, Thomas H	101
lexander	122
lexander	138
lexander	139
lexander	150
Nathan	141
Nathan	267
Nathan	268
Lewis T	155
Lewis T	232
Lewis T	233
Lewis T	234
Bruno	162
, Francisco Z	163
ıza, José	164
ı, Pedro	176
y, G. W	205
y, G. W	206
William	252
William	257
s, Paschal	255
Elias	273
Elias	274
James R	292
Henry	293
, Mary	300
ıw, W. D	318
, James	337
ıridge, Thomas	338
ıridge, F. E	340
C.	
ı, Julio	11
ı, Pedro	75
ı, José Antonio	100
ı, Carlos Antonio	246
ıo, Ignacio	*34*
ll, H. H	*47*

Names.	No. of claim.
Castro, Modesta	65
Caztro, Miguel	96
Castro, Francisco	159
Castro, Victor	165
Castro, Joaquin J	166
Castro, José	223
Castro, Manuel	330
Copeland, A	70
Cot, Antonio	106
Cot, Antonio José	153
Cretainé, Julio	107
Cretainé, Julio	142
Carson, Moses	111
Cantua, Vicente	203
Crowley, Philip	299
D.	
Den, N. A	20
Den, N. A	27
Den, Nicholas A	36
Den, Richard S	284
Dana, William	28
Dana, William	105
Davis, William H	30
Davis, William H	37
Davis, William H	38
Davis, William H	39
Davis, D. A	313
Ducoring, Eugene	42
Dohling, George	48
Dalton, H	72
Davis, John	104
Domingo, John	123
Dickey, William	127
Diaz, Benito	171
Duckworth, Santiago	177
Daylor, William	238
E.	
Elliott, William B	67
Espinosa, Vicente	178
Espinosa, Manuel	279
F.	
Foxen, B. W	23
Foxen, Benjamin	102
Foxen, Benjamin	103
Fallon, D	81
Fallon, Thomas	244
Fallon, William	249
Finley, S	82
Foster, John	116
Flugge, Charles W	120
Figuerro, Francisco	121
Frémont, John C	135½
Ford, Henry L	196
Ford, H. L	309
Ferguson, Josiah	336
G.	
Green, Talbot H	2

ALPHABETICAL LIST OF CLAIMANTS—Continued.

Names.	No. of claim.
Green, Talbot H.	113
Green, H. A.	31
Green, Jacob.	124
Garman, Antonio.	97
Gonzales, Raphael.	60
Gonzales, José Raphael.	172
Gonzales, Francisco.	331
Gomez, Vicente P.	173
Gomez, Vicente.	89
Goodyear, Miles.	68
Goodyear, Miles.	136
Goodyear, Miles.	137
Grimes & Sinclair.	180
Garcia, Pancho.	224
Garcia, Bernardina.	227
Garcia, Francisco.	332
Gibson, Samuel.	264
Gibson, Samuel.	265
Grigsby, John.	269
Grigsby, John.	270
Grigsby, John.	271
Grigsby, John.	272
Griffith, J. A.	277
Gillispie, A. H.	286
H.	
Hüttman, F.	6
Howard, William.	21
Howard, W. D. M.	51
Howard, W. D. M.	52
Hernandez, Tomasa.	95
Higera, Joaquin & Juan.	207
Hartgrave, William.	236
Horn, William.	237
Hughes, William M.	243
Hensley, Samuel J.	282
Hensley, Samuel J.	283
Harlin, George.	289
Headspeath, B. M.	334
Headspeath, Benjamin M.	339
J.	
Juarez, Cayetano.	15
Joy, Manuel.	254
Jessee, A. C.	275
K.	
Kelsey, Samuel.	32
Kelsey, Samuel.	239
Kelsey, Samuel.	240
Knight, William.	108
Knight, William.	126
Knight, William.	304
Kell, Thomas.	211
Kell, Thomas.	212
King, Henry.	231
Kilburn, Ralph L.	297
L.	
Leidsdorff, William A.	3
Leitstone, Frank.	93
Loker, William N.	133
Leese, Jacob P.	152
Loper, Bernardina.	191
Lopez, Bernardina.	251
Leiveira, Manuel de.	195
Lugo, Nicano.	201
Little, Milton.	218
Long, J. P.	266
Long, John P.	280
M.	
Mümm, Christiana.	18
Martinez, Andreas.	35
Martinez, José.	94
Martinez, Vicente.	179
Mellus & Howard.	112
Mellus, Henry.	140
Mellus, Henry.	147
Martin, T. S.	132
McCleary, James.	192
Maron, Juan Maria.	198
Monêt, John.	200
Murphy, Daniel.	210
McDowell, James.	213
McDowell, James.	214
McDowell, James.	215
Miranda, Mariana.	225
Moraga, Francisco.	226
Mesa, Alexandro.	228
Moore, Risdon.	287
Moore, Risdon.	288
McDougall, George.	312
Miramontes, Ramon.	333
Myers, John.	335
N.	
Nutall, William H.	19
Nye, Michael.	182
O.	
O'Conner, William.	83
Ortega, Magdalena.	144
P.	
Phelps, William D.	4
Phelps, William D.	230
Prudon, Victor.	12
Prudhomme, Victor.	49
Paty & Co.	71
Pacheco, Ignacio.	168
Pico, Francisco.	175
Pickett, Charles E.	219
Pickett, Charles E.	220
Pickett, Charles E.	221
Petit, Huber	235
Patterson & Foster.	278
Perdue, Joseph.	306
R.	
Rodriguez, Damasa.	13

ALPHABETICAL LIST OF CLAIMANTS—Continued.

Names.	No. of claim.
José	248
de la	14
G	17
	43
	187
	188
	189
	307
. B	44
. B	50
. B	276
Thomas M	98
Manuel	118
bert E	128
illiam H	134
illiam H	135
illiam H	326
hard	143
chard	146
, William A	149
Louis	290
Louis	291
hn	294
hn	295
hn	296
hn	305
Hiram	311
S.	
n A	5
n A	41
nes	22
nes	74
nes	78
nes	79
nes	80
nes	84
nes	85
nes	86
nes	87
nes	90
n	24
n	66
nklin	241
bel	54
bel	62
bel	63
bel	117
bel	119
bel	151
sé	145
sé	316
Maria Josepha	167
osé Maria	303
ohn	181
riel	190
ardina	202
Horace	204
William	209
Thomas J	216
Thomas J	285
ord	217
	298

Names.	No. of claim.
Swift, G. P	320
Soberanoes, Mariano	222
Smith, H. C	245
Sparks, Isaac J	247
Sparks, Isaac J	250
Sparks, Isaac J	256
Sparks, Isaac J	258
Sparks, Isaac J	259
Sparks, Isaac J	260
Sparks, Isaac J	261
Sparks, Isaac J	262
Sparks, Isaac J	263
Swasey, William F	253
Sweet, Paul	319
Silva, Juan de Dios	329
Snyder, Jacob R	341
T.	
Temple, John	1
Temple, John	114
Temple, John	194
Temple, John	310
Temple, John	314
Temple, John	315
Temple, John	322
Temple, John	323
Temple, John	324
Temple, John	325
Temple, John	327
Thompson, B. K	25
Thompson, B. K	242
Thompson, A. B	56
Thompson, A. B	57
Todd, William L	125
Terchemaker, Frederick	148
Torrē, Gabriel de la	174
V.	
Vallejo, Mariano G	7
Vallejo, Mariano G	8
Vallejo, Mariano G	9
Vallejo, Mariano G	10
Vallejo, Salvador	16
Vallejo, José Jesus	160
Vincent, George W	110
Vacca, Marcus	170
Vignē, Lewis	183
Vignē, Lewis	184
Vignē, Lewis	185
Vignē, Lewis	186
W.	
Watson, James	29
Wilson, J. R	40
Wilson, John	157
Wilson, Mariana	156
Wilson, Mariana	158
Weller, C. M	53
Ward & Smith	58
Ward & Smith	59
White, Charles	77

ALPHABETICAL LIST OF CLAIMANTS—Continued.

Names.	No. of claim.	Names.	No. clai
Weber, Charles	88	Y.	
Wise, Marion	129		
Wise, Marion	130	Yates, John	3
Wise, Marion	131	Yguera, Leonardo	32
Wood, Henry	193		
Williams, Isaac	229	In blank	7
Williams, Isaac	281	In blank	9
Wambaugh, M. M	308	In blank	9
Weever, Vance	321	In blank, (Francisco)	9

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 9.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, further correspondence between the Department of State and the American Minister at Constantinople, relative to the Rev. Jonas King.

DECEMBER 19, 1854.—Read, referred to the Committee on Foreign Relations, and ordered to be printed in connexion with S. Ex. Doc. No. 67, of last session.

To the Senate of the United States:

Herewith I transmit a report of the Secretary of State, with accompanying papers, in answer to the resolution of the Senate of the 3d of August last.

FRANKLIN PIERCE.

WASHINGTON, *December* 12, 1854.

DEPARTMENT OF STATE,
Washington, December 12, 1854.

The Secretary of State, to whom was referred the resolution of the Senate of the 3d of August last, requesting the President "to furnish for the use of the Senate (if not incompatible with public interests) copies of that part of the correspondence, which has not been already furnished, between the Department of State and Mr. Marsh, our minister to Constantinople, relative to the affairs of the Reverend Jonas King," has the honor to submit, herewith, the papers specified in the accompanying list. These documents embrace all the correspondence between this department and the minister of the United States at Constantinople, relating to the subject, which is believed to be within the scope of the resolution.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

List of paper aecompanying the report of the Secretary of State to the President of December 12, 1854.

Mr. Webster to Mr. Marsh, (extracts,) April 29, 1852.
Mr. *Everett to Mr. Marsh, (No. 24,)* February 5, 1853.

Mr. Webster to Mr. Marsh.

[Extracts.]

DEPARTMENT OF STATE,
Washington, April 29, 1852.

SIR: Information having been received at this department concerning events which have occurred at Athens, affecting the property, rights, and personal safety of Dr. Jonas King, it is deemed highly important, in the absence of a diplomatic agent of the United States in that city, at the Greek court, that you should proceed thither and ascertain the nature of the difficulties, and inquire into all the facts connected with them, and report the same to this department. So far as the department is informed, the facts are briefly these: * * * * * * * * * * * *

Dr. King was first sent by the American Board of Foreign Missions as a missionary to Palestine, where he remained about four years, and then returned to this country in 1827.

He subsequently went to Greece, not in connexion with the board, but as one of the Philhellene agents to assist in relieving the Greeks from famine and distress, consequent upon their war of independence. In the year 1829 he was married in Tenos to a respectable Greek lady from Smyrna.

His connexion with the American Board was renewed in the following year, and has continued to the present time. Dr. King was among the first to commence a residence in Athens after its abandonment by the Turks, and that has continued to be his place of abode.

While the city of Athens was in a state of ruin by the wars of the Greek revolution, Dr. King, with the consent, and by invitation of the Greek authorities, and in common with many citizens of other countries, became the purchaser of a piece of ground, at that time little prized either by Turks or Greeks. In process of time, and especially since the capital of Greece has been permanently fixed there, the growth of the city towards the ground in question has occasioned it to become a most desirable part of the city of Athens.

Sixteen years ago Dr. King commenced collecting materials for the purpose of building upon his ground, but was prevented from doing so by the plans of the city, sanctioned by the government of Greece. The ground has remained nearly in the same state as it was; neither can it be sold, divided, or alienated for the benefit of the owner; and no person, under existing circumstances, can or is allowed to purchase, so long as the incumbrance of "*non usus*" is laid upon it by the government of Greece. Neither has the government, during that length of time, sought or made any use of it, nor has the rightful owner been suffered to do with it as to him seemed right and proper.

The lot in question contains about (72,000) seventy-two thousand square feet, situated on a beautiful elevation, commanding a view of Mar's hill and the Acropolis, and some of the principal antiquities of Athens, the Piræus and Gulf of Salamis, on the south and southwest; Mount Parnassus and the Plain of Athens, on the west and north; and *Lycamettus and* Hymettus, on the east.

The value of the land is believed to be about ($100,000) one hundred thousand dollars. Dr. King, both personally and through the aid of the United States consul, has endeavored to come to some understanding with the Greek government on the subject, but without success.

The 12th article of the constitution of Greece declares that "no man shall be deprived of his property except for public necessity, suitably shown, when, and as the law directs. But under all circumstances the indemnification must be paid beforehand." Notwithstanding this positive declaration of the Greek constitution, Dr. King has received no indemnification, as the department is informed, from the Greek government.

In a dispatch recently received from him, it appears that after the departure of Mr. Diomatari, the United States consul, he was left in charge of the consulate, about a year since, and has been recognized by the Greek governments as the acting consul. It further appears that since he entered upon the discharge of his consular duties he has been tried on a charge of heterodox preaching, sentenced to fifteen days imprisonment, and then to be banished from Greece.

The department is not informed precisely to what extent toleration is allowed in Greece, or how far the preaching of a religion other than that of the Greek church is permitted; but it has good reason to believe that the Roman Catholics, Episcopalians, Lutherans, Jews, and Mussulmen, exercise the liberty, without restraint in Greece, of preaching and expounding their peculiar views.

If this be correct the prosecution of Dr. King looks much like persecution. This government, while it will not support its citizens in the violation of the local laws of the countries where they temporarily reside, will protect them, to the utmost of its power, in all just rights and privileges to which they may be entitled; nor will it permit, on the part of the Greek government, any violation of its treaty obligations.

The department presumes there can be no doubt as to the citizenship of Dr. King, and his right to be protected by the government of the United States. Mere residence abroad, without the *animus manendi*, has never been claimed to sever the ties which bind the citizen to his country.

The views of Chief Justice Williams, of Connecticut, in one of the documents herewith submitted, upon the subject of the citizenship of missionaries, coincide with those of the department.

He remarks that "the merchant who seeks for gain, the soldier who fights the battles of other countries, and the sailor who spends his days in roving from shore to shore, all feel that they have a country which will acknowledge them as citizens. And it cannot be claimed that the missionary stands upon different grounds. There is nothing in his character, his pursuits, or his vocation, which renders him less worthy of the protection of his government. The merchant seeks for gain for himself; the soldier seeks for what he calls glory; and the sailor to indulge his roving disposition. The missionary, with untiring benevolence, looks not for his own good, but the good of others. He is the messenger of peace and the herald of salvation. He seeks not theirs but them. He looks not even *for support* to his new country, but draws his *resources from his native land*. He is, indeed, ambassador,

not sent out by the government as their representative, but as the representative of a great number of his fellow-citizens, to communicate knowledge to the ignorant and happiness to the miserable. To those from whom he derives his support, in his own land, is he accountable, and at their pleasure may be recalled. It is true he may be at a great distance from his native land, but not further than those who are in commercial pursuits. We see nothing therefore in his profession, nothing in his distance from home, nothing in his relationship to his country, which would place him upon different ground, as to his citizenship, from his commercial brethren.

"While, therefore, our missionaries, amidst their privations, are cheered with the knowledge, that they have the sympathy and the prayers of their Christian friends at home, and are recognized as brethren in Christ Jesus, they may rest assured that they remain fellow-citizens with us, and have a right to the protection of a government, whose distinguished characteristic it is to secure to all her citizens equal rights and equal privileges."

And in connexion with this subject, the following extract from a dispatch, addressed under date of February 2, 1842, to one of your predecessors, shows the interest which has heretofore been taken in the protection of the American missionaries by the United States government:

"It has been represented to this department that the American missionaries, and other citizens of the United States not engaged in commercial pursuits, residing and travelling in the Ottoman dominions, do not receive from your legation that aid and protection to which, as citizens of the United States, they feel themselves entitled; and I have been directed by the President, who is profoundly interested in the matter, to call your immediate attention to the subject, and instruct you to omit no occasion where your influence in behalf of such persons may become necessary or useful, to extend to them all proper succor and attentions of which they may stand in need, in the same manner that you would to other citizens of the United States, who, as merchants, visit or dwell in Turkey."

Such, in fine, are the main facts of the case, as now understood, which is presented for your investigation. You will please direct your particular attention to the papers accompanying this dispatch, being the voluminous correspondence, relating to the subject, that has been carried on through a long series of years. You will ascertain what are the local laws in Greece, relating to the taking of private property for public uses, and the usual mode of indemnification; what losses, if any, Dr. King has been subjected to, and what just and equitable claim he may have upon the Greek government, not only for a release of the injunction of *non usus*, or for the payment of the land taken by it, but also for indemnity for the losses to which he has thereby been subjected. You will also be careful to ascertain whether the late trial of Dr. King was for any offence, as alleged, against the laws of Greece; and whether it was conducted in all respects in a fair and legal mode; and also to what extent religious toleration is allowed and public preaching permitted, by law or usage, among those who do not belong to the established church; and also all other circumstances that may throw light

on the subject, and enable the department to give you further instruc tions.

Commodore Stringham has been ordered to convey you to Athens in one of the ships belonging to the Mediterranean squadron. He will probably reach Constantinople about the last of June. You will please leave the duties of the legation at Constantinople in charge of the first dragoman, whom you will authorize to exercise your functions during your absence as heretofore.

You will keep an account of your travelling expenses, whilst engaged in carrying out these instructions, and send your account, in the usual form, to the department for settlement.

After transmitting your report, you will remain at Athens, or in its neighborhood, till you hear from the department.

In the discharge of the duties with which you are now entrusted, the department places entire confidence in your firmness and discretion. While you remain at Athens, the Navy Department will be requested to keep one or more of the vessels of the Mediterranean squadron in the neighborhood of that place, and subject to your order.

I am, sir, &c.,

DANIEL WEBSTER.

Hon. GEORGE P. MARSH,
Minister resident at Constantinople.

Mr. Everett to Mr. Marsh.

[No. 24.] DEPARTMENT OF STATE,
Washington, February 5, 1853.

SIR: Your dispatches up to 1st of November have been duly received, together with your reports in the case of Dr. King, dated Athens, 21st August, and Gleichenburg, 9th October, 1852. They early engaged my attention, but the pressure of business upon the department has been so great during the winter, in consequence of circumstances which will occur to you, that it has not been in my power at an earlier moment to write to you definitely on the subject.

Your dispatches and reports have been submitted to the President, and he directs me to convey to you his approbation for the promptness with which you repaired to Athens in pursuance of your instructions, and the assiduity and perseverance with which you applied yourself to the investigation of the case.

The subject, under your instructions, divides itself into two branches of inquiry, and is of course so treated in your report. The first relates to the losses suffered by Dr. King in consequence of the appropriation of his land to public purposes, and the restrictions laid upon his own use of it; the second relates to the trial and condemnation of Dr. King for alleged offences against the established religion of the State; and I shall, for a reason which will presently appear, first communicate the views of the President on this second branch of the subject; with reference to which he *concurs with you in the* opinion expressed in the *conclusion of your report. Although the* forms of the law may in

general have been observed, it is quite plain that Dr. King was not tried for any offence clearly defined by the laws of Greece; that his trial was in many respects unfairly and illegally conducted; that the constitution and laws of Greece guaranty a full toleration of all religious opinions, and that there is no proof that Dr. King has exceeded the just limits of the liberty of speech implied in such toleration. The nature of the punishment inflicted upon him, and the neglect to carry into execution the only portion of it which indicated a belief on the part of the court that he was guilty of the high crime laid to his charge, warrant the conclusion that no such belief was really entertained. In a word, the whole character of the proceedings, as minutely detailed by you, is such as to place the character of the Greek tribunals and the administration of justice in an unfavorable light. Either the sound and safe maxims of criminal jurisprudence which prevail in this country are unknown to the jurisprudence of Greece, or her tribunals were presided over by persons who entertained very false notions of the judicial character, or there are prejudices against Dr. King which, in his case at least, corrupted the fountains of justice. It is not in the power of this government, at so great a distance, to form a confident opinion to which of the above mentioned causes the result of Dr. King's trial is to be ascribed. It may have been in part produced by all three; and there is reason to suppose that such is the case. This state of things unavoidably destroys all confidence in the Greek courts as far as Dr. King is concerned, and compels the President to regard their decision in this case as unjust and oppressive.

There is, however, much difficulty in coming to an opinion as to the course which ought to be pursued by the government of the United States to obtain redress for the wrong which has been done to Dr. King in his trial and conviction. It is probable that, with some irregularities, the trial was in the main conducted in the forms of the law, and this is not inconsistent with gross departure from its spirit. Where, however, these forms are observed, it is difficult to find a practical remedy for judicial abuses, even in the operation of constitutional modes of redress, or animadversion by other branches of the government. This difficulty would be greatly increased in the case of a foreigner seeking the protection of his own government; and when the wrong done, though great in principle and in ulterior consequences, does not consist in heavy personal sufferings at the time.

The difficulty in the present case is increased by the subject-matter of the trial—that of an alleged offence against the established religion of the State. There is no subject in reference to which the minds of men, in other respects intelligent, are so apt to be biased by prejudice; and persons holding radically different opinions on subjects of this nature, when heated by controversy, become incapable of weighing evidence, or listening to reason, at least as understood by the other party. The President thinks it quite likely that, in the present low state of intelligence in Greece, as in many other countries, it would be really impossible for a foreigner, teaching religious opinions wholly at variance with the established religion, and charged as Dr. King was with revil*ing it, to obtain* a fair trial.

There is another circumstance which increases the difficulty of act-

ing upon this question. If the President should undertake to arraign before the Greek government the conduct of the tribunals in this trial, he would be obliged to enter into the discussion of some of the greatest niceties of dogmatic theology. It would be highly inexpedient for this government to engage in such a discussion, and impossible to bring it to any satisfactory result. As a precedent, such a discussion would be very dangerous. There are at present a great number of Americans employed as missionaries in foreign countries, inhabited by nations professing the faith of other christian communions, of Mahometanism, and of the various forms of paganism. These missionaries are entitled to all the protection which the law of nations allows this government to extend to citizens who reside in foreign countries in the pursuit of their lawful avocations, but it would be a source of endless embarrassment to attempt to reverse the decisions of regular tribunals as to the questions connected with the peculiarities of doctrinal belief.

For these and other considerations which will probably occur to you, although the President, as I have stated, has formed an unfavorable judgment of the manner in which Dr. King's trial was conducted, he does not think it would be expedient to require any pecuniary indemnification on this account to be made to Dr. King. You will, however, on repairing to Athens, in pursuance of the instructions given at the close of this letter, intimate to the government of Greece the decided opinion of the President that Dr. King did not have a fair trial, and that consequently the sentence of banishment ought immediately to be revoked. As I have already observed, the omission to carry it into effect is, under the circumstances of the case, a sufficient intimation that he had done nothing to deserve it. So great and general is the prejudice against him, that it would unquestionably have been carried into effect if it could have been done with any show of reason.

The other part of the case is much more clear of difficulty, and the President has no hesitation as to the course which ought to be pursued. It is evident that Dr. King has been and is deprived of the free use of his land for public purposes by the authority of the government; and that no compensation has been made to him for the losses which he has thereby sustained. The President regards as a mere subterfuge the attempt of the Greek government to throw the responsibility of what has been done, and the duty of making compensation, upon the municipality of Athens. It has frequently been declared by the Greek government and its agents that the land was taken for a national purpose, (the erection of a national church,) and though at other times the objects for which it was said to be taken were of a municipal nature, these objects have never been carried into effect, and if they had been, it is sufficiently evident, from the facts detailed in your report, that the responsibility of making a fair indemnity to Dr. King for his loss, devolves, in the first instance, at least, if not ultimately, upon the government of Greece. It would be a waste of time to recapitulate the facts and reasonings so ably collected and stated in your report which lead to this conclusion.

There is a single point only in which, at first view, Dr. King's claim upon his own government to *interfere in his* behalf may seem premature, *and that is his omision to seek* redress by bringing an action

against the Greek government, as authorized by the code of civil procedure. The rule of public law is settled, that a private citizen in a foreign country is not entitled to the forcible interference of his government to procure him redress of wrongs till justice has been denied him by the local tribunals. This consideration would perhaps prevent the President, at this time, from interfering, had not the conduct of the courts of Greece, in the trial of Dr. King, sufficiently shown that he could not expect justice at their hands. The rule of public law to which I have referred takes for granted that the tribunals are entitled to confidence, and the President can place no confidence in those of Greece in any case where Dr. King is concerned. Besides, the government of Greece has never placed its refusal to indemnify Dr. King on the ground that his claim had not been duly adjudicated by the tribunals, but has positively disclaimed all responsibility, and attempted to turn him over to the municipality of the city of Athens, by which, in turn, he is thrown back upon the general government. Such being the state of things, the President feels it his duty to interfere to procure redress to Dr. King.

You will therefore, if still in Austria, immediately on the receipt of this letter, repair to Spezzia, which is the rendezvous of the United States squadron in the Mediterranean. Commodore Stringham will be instructed to convey you to Athens, where you will forthwith put yourself in communication with the proper department of the Greek government. You will state, in general terms, the opinion entertained by the President of Dr. King's trial and condemnation, as above intimitated, and his expectation that a formal remission of the sentence of banishment should be granted by the proper department; and you will state in a general way the reasons why the President forbears in any other respect to make a national question of the treatment of Dr. King on this occasion. You will then represent the affair of Dr. King's land in the light in which it is placed in your report.

State strongly and briefly the results of your inquiry, taking care, as far as possible, not to be drawn into a lengthened discussion for the purposes of delay. Avoid the tone or language of menace, but let the government of Greece perceive that the President is quite in earnest. In the meantime, you will be pleased, in any way you may deem expedient on the spot, by taking the opinion of intelligent and impartial foreigners, by recent sales of land in the vicinity, by a private arbitration of disinterested persons, or by any other sources of information, to ascertain what amount of loss Dr. King has really suffered; by which is meant not speculative and consequential losses, but such as would probably be adjudged by candid and practical men.

Having in this way ascertained, as far as practicable, what sum of money would be a reasonable compensation to Dr. King, propose at once to the Greek government to allow it, and urge upon it the expediency of at once putting an end to this long delayed and vexatious affair. If the Greek government is discreet, they will immediately close with this offer, and you will use all your address to induce them to do so. If they decline, you will then make them this proposition, viz: to refer the whole question to the arbitration of a friendly power.

The President has no strong preference as to what power is selected. *He would be well* content to select the King of the Belgians for the

arbiter. If it would be more convenient to Greece to refer it to the Queen of England, at whose court there is a Greek minister, the President would readily acquiesce in this choice.

If the Greek government accepts this offer, and will formally pledge itself to abide by the result, you will draw up a suitable form of submission, to be subscribed by yourself and the Greek minister of foreign affairs, on behalf of his government. It is not deemed necessary to make the agreement the subject of a convention, to be approved by the Senate, and it is desirable to avoid the delay incident to that course. Having subscribed the submission in duplicate, you will immediately transmit it to this department, in order to ulterior proceedings.

Should this proposal also be refused, in other words, should the government of Greece persist in denying justice in any form to Dr. King, you will immediately report the facts to this department and return to your post. It will be for the government of the United States to adopt such a course as may be deemed expedient under the circumstances of the case. Considering the great disparity of the parties, you will, in all your conferences with the Greek minister, avoid the language of menace, and be especially careful to leave your government entirely uncommitted as to ulterior measures.

Before closing this dispatch, I think it expedient, for greater caution, to call your attention to that part of your instructions of the 29th of April, 1852, which relates to the citizenship of Dr. King. Those instructions were given in the understanding that he has never relinquished nor intended to relinquish his character as an American citizen; that though married, and for many years a resident of Greece, he has never abandoned the intention of coming home; that he has never renounced, nor intended to renounce, his allegiance to the United States, nor taken any steps towards becoming a citizen of Greece. That such is the case is inferred from the correspondence of Dr. King, and of the missionary society by whom he has been employed, with this department; and it is on this assumption that the President has felt it his duty to interfere in his behalf.

At the last advices the United States flag-ship was at Genoa, but expected soon to return to Spezzia. A portion of the vessels composing the squadron have been directed to convey the newly-appointed consul-general to Alexandria. It is accordingly somewhat uncertain when and where you may be able to meet with Commodore Stringham, and much must be left to your discretion and his in this respect. You will spare no exertions to get to Athens in the frigate as soon as possible. Be pleased immediately to acknowledge the receipt of these instructions, and keep the department regularly advised of your proceedings.

I am, sir, respectfully, your obedient servant,

EDWARD EVERETT.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 67.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, copies of the communications from Mr. Marsh, the American minister at Constantinople, relative to the case of the Reverend Mr. King.

MAY 24, 1854.—Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with accompanying documents, in compliance with the Senate's resolution of the 30th of January last.

FRANKLIN PIERCE.

WASHINGTON, *May* 20, 1854.

DEPARTMENT OF STATE,
Washington, May 20, 1854.

The Secretary of State, to whom was referred the resolution of the Senate of the 30th of January last, requesting the President "to transmit to the Senate, if not incompatible with the public interest, copies of the communications from Mr. Marsh, the American minister at Constantinople, relative to the case of the Reverend Mr. King," has the honor to lay before the President a copy of the papers called for by the resolution, and specified in the accompanying list.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

List of papers accompanying the report of the Secretary of State to the President, of the —— of May, 1854.

Mr. Marsh to Mr. Webster, (extracts and accompaniment,) August 21, 1852.
Same to same, (with accompaniments,) August 21, 1852.
Same to same, (with an accompaniment,) October 4, 1852.
Same to same, (with an accompaniment,) October 9, 1852.

Mr. Marsh to Mr. Webster, (with an accompaniment,) October 30, 1852.
Same to same, (extract and accompaniment,) November 1, 1852.
Same to Mr. Everett, (extract,) March 11, 1853.
Same to same, (extract,) March 31, 1853.
Same to Mr. Marcy, (extract with accompaniments,) May 27, 1853.
Same to same, (with accompaniments,) June 2, 1853.
Same to same, (extract,) June 17, 1853.
Same to same, (extracts with an accompaniment,) June 23, 1853.
Same to same, (with an accompaniment,) June 24, 1853.
Same to same, (extract with accompaniments,) June 24, 1853.
Same to same, (extracts,) July 6, 1853.
Same to same, (extracts with accompaniments,) August 20, 1853.
Same to same, (extract,) October 11, 1853.

Mr. Marsh to Mr. Webster.

[Extracts.]

ATHENS, *August* 21, 1852.

SIR: In obedience to your instructions, under date of April 29, 1852, I sailed from Constantinople, on board the United States steam frigate San Jacinto, on the 30th day of July, and arrived in this city on the 1st day of August.

I had previously informed Dr. King that I was instructed to visit Athens for the purpose of inquiring into the difficulties between him and the government of Greece, and had given him general advice in relation to the collection of documentary and other evidence, but as the recording officers of the courts had delayed to furnish the copies of the proceedings of those tribunals demanded by Dr. King, it was thought that some explanation of the objects of my visit might serve to expedite the progress of the inquiry, and I accordingly sought an interview with Mr. Paicos, minister of foreign affairs, stated to him that I had no diplomatic credentials to the court of Athens, and that my duties were limited to an inquiry into the facts upon which the complaints of Dr. King were founded, and the laws of Greece applicable to them, and expressed the hope that the government would not obstruct, but, on the contrary, facilitate the investigation.

Mr. Paicos professed to be gratified with the appointment of a special agent to conduct the inquiry, and to entertain an entire confidence in the just and friendly disposition of the government of the United States towards that of Greece; disclaimed for his government and himself any desire to obstruct the investigation, promised to facilitate it in case any unexpected obstacle should oblige me to ask his intervention, and invited me to confer freely with him on the subject, in an official way. By way of testing the sincerity of this proposal, I desired Dr. King to ask, in writing, an explanation of certain statements in an official letter from the minister of the interior to the minister of foreign affairs, (referred to in the report,) but as no notice was taken of Dr. *King's application*, I did not think it advisable to communicate further

with Mr. Paicos in relation to the matters involved in the investigation. Dr. King had collected much important documentary evidence before my arrival, and after several interviews with him, I thought it proper to give him, in writing, more definite instructions in regard to the proofs required by government, and accordingly addressed him a note, a copy whereof is hereto attached.

As the modern Greek manuscript character, in which most of the documents are written, is not readily legible, without more practice than I have had, I thought myself justifiable in employing a clerk and translator, and accordingly engaged for that purpose Mr. Baird, a young American, residing at Athens, and thoroughly competent in intelligence and character. Many of the translations have been made by him, and others have been furnished by Dr. King and Messrs. Arnold and Buel, American missionaries at Athens. All these have passed, or will pass, under my own revision, and I am myself translating the more important laws and legal documents.

I have now substantially completed the duties with which I was charged by the Department of State, and shall transmit separate reports on each of the two branches of inquiry embraced in my instructions, as soon as they can be fairly copied, and the remainder of the translations are completed and revised.

I am well aware that no great confidence is to be reposed in the results of an *ex parte* inquiry, conducted in a country where few have the courage to disclose facts, or to express opinions adverse to the known interests and wishes of their rulers; where the laws and ordinances of the government are publicly promulgated, or kept in the secrecy of bureaus, at the pleasure of those who frame them; where every public functionary is directly or indirectly dependent upon the pleasure of the crown, and therefore practically the instrument of its will; where the relations between the supreme government and its departments and bureaus are either totally unsettled, * * *

At the same time, it is, in my judgment, past all doubt, that the government of Greece has treated Dr. King with flagrant injustice and bad faith with regard to his claim for a compensation for his lands, and that in the criminal prosecution against him the legal tribunals of Greece * * * * have been guilty of an abuse of the principles of justice, and a perversion of the rules of law, as flagitious as any that ever disgraced the records of the Star Chamber.

I do not, however, discover that the *forms* of law have been violated in this latter case, (unless it be in the virtual refusal of the Areopagus to entertain jurisdiction of a question of law peculiarly within its competence,) although it is evident that the guaranty of the allied powers, in respect to religious liberty in Greece, the provisions of the constitution, and the plain intent and meaning of the law, have been alike violated and set at defiance, and this I believe is the opinion of every competent and impartial person in Greece.

I do not deem it within my province to express any opinion as to the course the government of the United States ought to pursue in either case; but I believe the reports will be found to embrace all the provisons of the laws applicable to them, and all the facts likely to be ascertained upon an *ex parte* inquiry. * * * *

As the climate of Greece is extremely unhealthy at this season of the year, I do not deem it prudent to await further instructions at this city, and I shall remain during the interim at some convenient point on or near the Adriatic. I propose to embark on board the San Jacinto this day for Trieste, where she will find every facility for repairing her damaged machinery; and I shall keep Mr. Miller, United States dispatch agent at London, constantly advised of my address, so that there may be no loss of time in forwarding to me any further instructions from the department, and on my return to Athens or Constantinople, as the department may direct.

* * * * * * * *

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER,
Secretary of State.

ATHENS, *August* 5, 1852.

SIR: The government of the United States having been informed that events have occurred at Athens affecting your property, rights, and personal safety, the Secretary of State has instructed me to visit this city, ascertain the nature of the difficulties, and inquire into all the facts connected with them. I am specially charged to ascertain what are the local laws in Greece relating to the taking of private property for public uses, and the usual mode of indemnification; what losses, if any, you have been subjected to, and what just and equitable claim you may have upon the Greek government, not only for a release of the injunction of "*non user*," or for the payment of the land taken by it, but also for indemnity for the losses to which you have thereby been subjected.

I am further instructed to ascertain whether your late trial was for any offence, as alleged, against the laws of Greece, and whether it was conducted in all respects in a fair and legal mode; and, also, to what extent religious toleration is allowed, and public preaching allowed, by law or usage, among those who do not belong to the established church; and, also, all other circumstances that may throw light on the subject, and enable the department to give me further instructions.

Under the first branch of these instructions I shall require copies, printed or manuscript, of all royal ordinances, constitutional provisions, and laws, relating to the taking of private property for public uses, and the mode of indemnification therefor, as well as information respecting the usages under such ordinances, provisions, and laws; copies of all written communications between you and any branch of the government respecting the taking of your land, and indemnification therefor; evidence of the extent to which you have been obstructed in the enjoyment and use of your land, whether by written injunction, or by the direct interference of the public authorities; such plans of the city and your land as will enable the department to understand the position of the latter, and the extent to which it is affected by sequestration to public uses; and evidence as to the value of the lands, and the amount *of damage you have* sustained in consequence of such sequestration.

Under the second branch of my instructions I shall need full copies of the entire record of the proceedings against you in the criminal and appellate courts, including the indictment, the legal opinions of the courts, the sentence, and the testimony, as far as the same was taken in writing, or if the witnesses testified orally, then notes of their testimony—copies of all royal ordinances, constitutional provisions, and laws, touching the subject-matter of the accusations against you, and the religious liberty secured to dissenters in Greece—proof of any unfairness, illegality, or irregularity in the proceedings—evidence as to the extent to which religious toleration is allowed, and public preaching permitted, by law or usage, in Greece, among those who do not belong to the established church—and information respecting any other circumstances that may throw light on the subject. You will, in my judgment, require the aid of counsel, learned in the laws of Greece, in making these inquiries, and I earnestly recommend to you to take the advice of such in complying with the requisitions of this letter. I consider myself authorized to pay the necessary expenses of books, copies, plans, translations, and clerk hire, but do not think myself at liberty to undertake to compensate counsel. I shall be at all times ready to confer with yourself or your counsel, and will make from time to time such further suggestions as shall occur to me in the progress of my inquiry.

I am, sir, yours, respectfully,

G. P. MARSH.

Rev. Dr. JONAS KING.

Mr. Marsh to Mr. Webster.

ATHENS, *August* 21, 1852.

SIR: Under that branch of my instructions which directs me to "ascertain what are the local laws of Greece relating to the taking of private property for public uses, and the usual mode of indemnification; what losses, if any, Dr. King has been subjected to; and what just and equitable claim he may have upon the Greek government, not only for a release of the injunction of *non user*, or for the payment of the land taken by it, but also for the losses to which he has thereby been subjected," I have the honor to submit the following report:

In the year 1828, the Rev. Jonas King, an American citizen, arrived in Greece, as one of the Philhellene agents, to assist in relieving the Greeks from famine and distress, consequent upon their struggle for independence, and, in the course of the following year, he married and took up his residence in that country. In the year 1830, he purchased two valuable and eligibly situated parcels of ground at Athens, lying contiguous to each other, and containing together nearly ten thousand (common or small) peeks, Greek measure, or about eighty thousand square feet English.

Both before and after this date, large purchases of real estate were made at Athens, and elsewhere in Greece, by persons not then owing allegiance to that *State, and who never* afterwards contracted the obli-

gations of citizens or subjects. These purchases were made under existing constitutional provisions; they were at all times encouraged by the Greek government, which was desirous of strengthening itself by attracting to its territory the capital, the enterprise, and the intelligence of European and American emigrants; and the validity of the titles so acquired has never been disputed, but has, on the contrary, been constantly recognized by the Greek government, which has moreover repeatedly admitted the title of Dr. King, and his right to an indemnity for his lands sequestered by government to public use.

By an arrangement between Great Britain, Russia, and France, founded on stipulations previously entered into by those powers, and which was accepted by Greece, Prince Otho, of Bavaria, was raised to the throne of Greece in 1832; but, although a new constitution had been promised, in various public manifestos, none was promulgated until the royal assent to that of 1843–'4 was extorted by a popular movement, and, in the meantime, King Otho, in fact, ruled with absolute and despotic power.

The three constitutions of Ephidaurus, Astros, Troezene, under which Greece was governed at the time of Dr. King's arrival, and until the accession of King Otho, agree in securing to all foreigners resident in Greece the same civil rights as to native citizens, and they all provide alike that each "contributes to the charges of the State in proportion to his fortune."

These constitutions were not formally revoked on the elevation of King Otho to the throne, and able Greek jurists have held that, so far as their provisions were reconcilable with a monarchical form of government, they remained legally in force until superseded by the constitution of 1844.

Under these constitutions Dr. King had acquired certain rights, and in the case of other foreigners the clauses above cited have been successfully appealed to, as securing them against the violation of similar rights, and particularly against a forcible deprivation of property like that which Dr. King has suffered.

The constitution of 1844, article 3, declares that "citizens are such as have acquired, or shall acquire, the character of the citizen according to the laws of the State."

Of the provisions of those laws Dr. King has not availed himself. From the period of his establishing himself in Greece his residence has been in the character of a missionary in the service of the American board of commissioners of foreign missions. He does not claim the *political* rights of citizenship, nor are these allowed to him by the constitution or government, but I do not discover that the constitution or laws make any distinction between citizens and resident foreigners in mere matters of *civil* right.

By a royal ordinance, dated at Nauplia, January 30, (February 11,) 1834, the seat of government was ordered to be transferred to Athens, and a plan of the new city, prepared by Messrs. Cleanthes and Schaubert, government architects, was recognized as authoritative, and engraved and published, but was, immediately after, abandoned. This ordinance, although belonging to a class of laws which, by a royal *decree of 1833,* were to be published in the State Gazette, (Ephemeris,)

did not appear in that journal, is not contained in any edition of the laws of Greece, and in fact is believed never to have been printed.

This plan corresponded in its general features with a subsequent plan submitted by the architect, Klewze, and adopted, as it is said, by royal ordinance. Klewze's plan, with some modifications, is understood to be still in force, but the government has not thought it convenient to publish either the plan or the ordinance adopting it, though a few lithographed copies are said to have been prepared for the private use of the members of the government.

By a third plan, adopted by royal ordinance, and supposed to be dated in 1835, (being that referred to in the letter of the minister of the interior of June 1, 1844, hereto annexed, and marked W, and in that of the minister of foreign affairs, dated November 22, (December 4,) 1850, hereto annexed, and marked Y,) Dr. King's land was set apart as a site for a national church. This plan also was buried in the national archives, and has never been published.

A copy of that portion of the plan of Cleanthes and Schaubert, which embraces Dr. King's land and the neighboring streets and squares, is hereto annexed, and marked A; but the small scale of the plan renders it impossible to indicate the sight of his ground with any precision. The plan published by Altenhoven, in 1837, hereto annexed and marked B, though not of authority, agrees in a general way with that of Klewze, and both are entirely different from that of Cleanthes and Schaubert, in regard to the location of the royal palace and other public edifices, and the extent and boundaries of the public squares and gardens, as well as in numerous other details, of much importance as regards the value of the lands affected by them.

The form and position of Dr. King's land is indicated approximately by the *red* shading in Altenhoven's plan, (B.) The plan marked C, which is copied from that of Klewze, exhibits the manner in which the land would have been affected had that plan been carried out with respect to the opening Athena street, and the square of the people, market, or agora.

The several parcels bounded by *black* lines compose his property, but the scale of the plan (one to twelve hundred) is too small to enable any one to determine, with the necessary precision, the boundaries of the ground that would remain to him after the opening of the square. This plan, as before observed, was never made public, and Dr. King declares that he was unable to obtain even such a copy as this until 1848, when he procured one, under a pledge that he would not disclose the source from which he obtained it.

According to the plans of Cleanthes and Schaubert, Klewze and Altenhoven, the great street of Minerva (Athena) passes through the centre of Dr. King's land, and almost the whole of the residue is taken up either by a proposed public garden, or by the open square, called the bazaar or market, (agora,) or square of the people, and so far as his property is concerned they differ only in the greater or less extent to which it is included in the limits of these public places. They all, however, leave him something, whereas the plan by which the great national church of the Saviour *was to be* built on his grounds appears to have *taken the whole of his property.*

The ordinance for the removal of the seat of government to Athens refers to certain engagements of the commune (———) of Athens. These stipulations were entered into by the inhabitants of Athens at popular meetings, in which Dr. King and the other resident foreigners in general took no part, in September and some earlier months of 1833, when the corporation of Athens, which city had but recently been abandoned by the Turks, is believed to have had no legal existence. They all referred to the proposed plan of Cleanthes and Schaubert, which, so far as concerned the location of the public edifices, squares, and gardens, (a matter principally in view in all these arrangements,) and many other important details, was, immediately after the removal of the seat of government, superseded by that of Klewze.

By a royal ordinance of 27th December, 1833, (8th January, 1834,) communes or municipalities (demi) were decreed to be established, and by §6 of article 18, there was imposed upon these bodies the duty of "the construction and maintenance of communal roads and bridges," but no provision was made in this law for the indemnification of the proprietors of lands taken for highways, nor is there any mention of public market places or other squares.

The king was to define the territorial limits of each demus, which were to be indicated by stone monuments; but when this was done, with respect to the demus of Athens, if ever, does not appear. At least the government gazette, (Ephemeris,) in which all laws and public decrees were, by royal ordinance, to be published, contains no demarcation of the limits of that demus, and there is, therefore, apparently, no legal certainty that the property of Dr. King, which lies in the *new* town, comes within the jurisdiction of the demus of Athens.

The material provisions of this law will be found in the paper annexed, marked D.

In the execution of the plan of the city, and its successive modifications, various new streets were laid out in the part of the town already built upon; and the great street of Minerva (Athena) was opened from the portico of Hadrian, in the old town, to the southern line of Dr. King's land in the new, (the buildings within its limits being demolished,) but was *never opened or carried across that parcel;* and neither the street nor the square of the market was ever laid out upon it by survey, or marked by visible boundaries; nor was any plan, survey, or description of the limits of the land to be taken for those purposes ever communicated to Dr. King, or publicly promulgated.

In 1834, a royal ordinance appeared in the gazette, decreeing the erection of a grand national monumental church, to be called the church of the Saviour; and, at some period not precisely known, but as believed in 1835, Dr. King's land was selected, as has been already noticed, and will be more fully seen hereafter, as a site for the erection of this edifice. In this fact we find the probable reason of the abandonment of this part of the previous plan, and it is supposed to be for this cause that the street of Minerva and the market square were not opened, or laid out, upon the land in question.

By §1 of article 2 of the above mentioned ordinance for removing the seat of government, it was provided that all lands set apart for *building national edifices thereon*, by the plan of Cleanthes and Schaubert, and

thereon noted, and should be paid for *out of the national treasury*, at the rate of twenty lepta the square peek.

If this be the common peek, (of about two and a half feet English,) the price fixed would be equal to five and one-third mills per square foot; if the royal peek, (French metre,) to about three mills per foot. This provision could not apply to the land of Dr. King, so far as the price was concerned, because his ground was not noted upon the plan of Cleanthes and Schaubert as a site for any public edifice, and was intrinsically more valuable than any of the sites so designated; but it is important to be noticed, because it clearly shows that the national treasury, and not the demus, was to indemnify the proprietors of lands taken for public buildings.

By §6 of the same article, the ground required for streets and squares was to be ceded by the owners to the demus; and whenever the remaining portions were too small (less than two hundred square peeks) to allow the proprietor to build on them in conformity with the regulations for that purpose, those portions also (called temachia) were to be ceded to the demus; and the demus was to agree with the owners of the lands so taken (whether for streets or as temachia) as to the amount of the indemnity, and to assume the burden of its payment. The opening of the streets and squares was to be undertaken and completed *forthwith*.

By §8 proprietors of lots were to build, according to certain regulations, within six years, or surrender their grounds (at the rate of eighty lepta the peek, or at the price which should be fixed by a new appraisal, as the proprietor should elect) to any purchaser who would undertake to build; and in case of final failure in this respect, the demus might take the land, to be disposed of and occupied according to the plan.

So far as can be judged from the plans on the very small scale on which they are constructed, Dr. King would have two or three temachia, as well as some larger parcels, remaining, if the street and square were open as proposed; and he has repeatedly applied for leave to build, or for a compensation in money, or by an assignment of unoccupied lands, but his applications have been uniformly refused or disregarded.

In this ordinance the demus of Athens is generally treated as a legally existing corporation; but it appears by the third article of the same ordinance, that the demi had not yet been defined and organized, and I refer to these provisions of the law, not as having any legal force, but because they have been sometimes appealed to as fixing the amount of the indemnity to be paid to landholders by the government, in all cases, at the nominal rate of twenty lepta to the peek.

The whole of these provisions were applicable to the plan of Cleanthes and Schaubert alone, and upon the abandonment of that plan they ceased, in my opinion, to be binding, if, indeed, they ever had any validity, which is not admitted. By the royal ordinance of 1833, future laws were to take effect from their promulgation in the Ephemeris, or state gazette. The ordinance now under consideration never was so promulgated, and in fact the government has, in several instances, paid *many times the rate mentioned* in that ordinance, for

land occupied by the royal palace and gardens, and other public structures.

The public authorities not having opened the street or square, or made any arrangement respecting the indemnity, Dr. King, on the 28th January, (9th February,) 1835, addressed to the minister of the interior a letter, a translation of which is hereunto annexed, and marked E. To this letter no written answer was returned, but Dr. King declares that the minister repeatedly promised a fair indemnity.

In the following season Dr. King opened ditches about the unfenced portion of his land, to mark its limits, and on the 13th of September, 1835, he received from the head of the police—an officer appointed by the king, and not by the municipality—an order, a copy of which is annexed and marked F.

The ditches were filled up under the direction of the head of the police, but the intention of laying out the square of the people, (market-place, or agora,) expressed in the order, was never carried into effect, the ground having been now selected as a site for the church of the Saviour.

On the 12th of November, 1836, a royal ordinance was promulgated, containing various provisions respecting the carrying out of the plan of Athens, and the indemnity to be allowed to landholders. Translations of the provisions of this ordinance, material to the present inquiry, will be found in the paper hereto annexed, marked G.

On the 16th of January, 1837, Dr. King addressed to the demarch of Athens two letters, copies of which are annexed and marked respectively H and I. Of that marked H, no notice was taken; but by way of answer to that marked I, Dr. King was told, as he declares, that nothing would be done under the proclamation referred to therein, and in fact it does not appear that any measures were even taken in accordance with it, either with respect to Dr. King or any other landholder. A translation of this proclamation is hereto annexed, marked J.

On the 14th (26th) of June, 1837, Dr. King addressed to the president of the council of ministers, secretary of state for foreign affairs, a letter, a copy of which is annexed, and marked K. This letter being laid before the king, a report was ordered and presented on the 23d of June, (5th of July,) 1837; a translation of which is annexed, and marked L. Upon this report the king, on the 26th of June, (8th of July,) 1837, made the decree annexed, and marked M, and the same was communicated to Dr. King, together with a letter from the secretary of state, (*mis*dated 3d for 30th of June, (12th of July,) 1837, a translation of which is annexed, and marked N.

Dr. King declares that upon application to the authorities for payment of an indemnity it was refused, and that he could obtain from the architect of the city no information on the subject of his lands, except, as afterwards stated, that they were all taken for the site of the church of the Saviour, and he explicitly denies that he ever was a party to any agreement with the demus respecting the taking of his ground, or an indemnity therefor.

It has been observed that neither the plan of Klewse nor the decision to build the church of the Saviour on Dr. King's land was ever officially promulgated; but on the 3d (15th) of April, 1838, a new royal

ordinance, providing for the erection of this church, *and declaring that the site for it had been already selected*, was signed and published not long after in the Ephemeris. A translation of this ordinance is annexed, and marked O.

Having been informed by the government architect that it was resolved to build this church on his grounds, Dr. King, on the 12th of September, 1838, applied to the secretary of the home department for information on this point, by letter; a copy of which is annexed, and marked P; but no notice was taken of the communication.

Matters remained in this state for more than two years, Dr. King being occasionally informed by the ministry, as he states, that the government was about to adopt a general plan for the relief of all the claimants, but as nothing was done, he began to make preparations for cultivating the lot, but was immediately prevented by the head of the police, a royal officer, who, on the 21st of January, 1841, served upon him an injunction; a translation of which is annexed, and marked Q. The new plan therein referred to was never published, and nothing is known concerning it.

To this notification Dr. King replied by two communications; copies of which are annexed, and marked, respectively, R and S.

A few months after this, Dr. King asked the intervention of Mr. Perdicaris, consul of the United States at Athens, and that officer presented his claims to the Greek government, by communications dated, respectively, March 15, June 2, and May 21, 1842; to none of which was any answer returned; and he further urged them, without effect, in various personal interviews with the minister of foreign affairs, from whom he received only evasive replies.

On the 18th of March, 1844, the constitution was completed, adopted, and sworn. The 12th clause of this instrument declares that "none is deprived of his property, except for public necessity, duly shown, when and in such manner as the law prescribes, indemnification being always first made."

On the 22d of May, (3d of June,) 1844, Dr. King applied to the demarch of Athens, by a note, a copy of which is annexed, and marked T, for leave to enclose a parcel of ground belonging to his original purchase, and adjoining a portion which he had fenced in as early as 1831, and called Philadelphia; and it is proper to add, that the name Philadelphia has since embraced the entire property, and that nearly the whole of both parcels is taken for public use by all the plans.

To this petition, Dr. King received the reply annexed, dated 25th of May, (6th of June,) 1844, and marked U.

On the same 23d of May, (3d of June,) 1844, he addressed to the secretary of state for the home department a note, a translation of which is annexed, and marked V.

The minister replied by a letter dated 1st (13th) June, 1844, a translation of which is annexed, and marked W. This letter, it will be observed, does not renounce the claim of the government to appropriate the land to the purpose therein named, in case of non-payment of the indemnity, but merely suspends its execution, and authorizes Dr. King "to make use of it" for *the time being.*

After *the expiration of the period limited* by the letter of Mr. Londos,

Dr. King proceeded to enclose the remainder of his lot with a stone wall, and though not permitted to erect permanent buildings upon it, he has, by himself and his tenants, ever since occupied it.

In 1848 he renewed his application for leave to build, and was allowed to erect a small house, upon entering into a written stipulation that he would not claim any indemnity *for the building* when the land should be occupied as a public square; and there was a like application, stipulation, and permission, in behalf either of Dr. King or a tenant of his, in 1850.

A copy of one of these petitions is annexed and marked X. On the 12th of November, 1850, Mr. Diomatari, consul of the United States at Athens, presented Dr. King's claims to the minister of foreign affairs, and received a reply dated 22d November, (4th December,) 1850; a translation of which is annexed, and marked Y. The 4th article of the royal ordinance of 1836, therein referred to, provides that the boundaries between lots lying on the public streets shall be so arranged that every proprietor shall receive a proportional share of front, and this arrangement constitutes the "modifications" referred to in the first paragraph of the minister's letter. Such proceeding was necessary if Dr. King was to be compensated in part by the neighboring proprietors, according to section 22 of the ordinance of 1836, (G;) but the assertions of this letter constitute the only proof that such instructions to the engineer officer were ever given, and there is no reason to believe that, if given, they were ever carried out.

On the 6th of December, 1850, Mr. Diomatari renewed his application in behalf of Dr. King; and after some further unimportant communications on the subject, the minister of the king's household and of foreign affairs on the 18th (30th) of April, 1852, addressed to Dr. King a note, with a report from the minister of the interior, by way of "definitive answer" to his claims. Translations of this note marked Z, and of the report marked AA, are hereunto annexed.

On the 5th of August, 1852, Dr. King addressed to the minister of foreign affairs a letter, a copy of which is annexed, and marked BB; but no reply has been hitherto received, and Dr. King declares that, to the best of his knowledge and belief, no such proceedings as are supposed in the "definitive answer" respecting the indemnity ever took place; and he positively denies that any such orders or proceedings were ever communicated to him.

Dr. King declares that, in consequence of the repeated references of the government to the demus, he has frequently applied to the officers of that corporation for compensation, and that this has been constantly refused, and the reason assigned that it was the duty of the State and not of the demus to pay the indemnity. The grounds on which this opinion is founded doubtless are, that all previous proceedings being invalid, the demus was under no liabilities but those created by the ordinance of November, 1836, (G;) "that under that ordinance the demus had never become liable, no street or square having been opened or laid out upon the land, and finally, that the government had appropriated it to a strictly national purpose, with which the demus had *no concern.* Indeed it is said that few native proprietors have received *any indemnification* at all for lands taken for public purposes, though

the government has compensated many resident strangers who have enjoyed the benefit of foreign protection.

To complete the history of the facts, and of the legislation applicable to the case, it remains to be stated that on the 25th January, (6th February,) 1852, a law was promulgated exempting the whole of the income of the demi, (and they have no other resources,) except one-fifth of their revenue, from legal process, and thus virtually depriving creditors of all effectual remedy against them. A translation of this law is annexed, and marked CC.

From the facts above recited, as well as from the repeated admissions of the government in the course of the correspondence, it is evident that Dr. King has been obstructed in the enjoyment of his rights to the free use and disposal of his land, and that he is entitled not only to damages for this obstruction, but to a formal release of the land from the injunctions which have been laid upon the exercise of his rights of property over it, or to a compensation for its value; and the only remaining questions are: What is the amount of the indemnity he is entitled to claim, and is this indemnity to be sought from the national government, or is he confined to his legal remedy against the demus or municipal corporation of Athens, and the proprietors of the lands adjacent to his own?

The amount of indemnity will, in any event, be considerable, although I cannot concur with Mr. Diomatari in his estimate of the value of the property. For many years after the removal of the seat of gov-ernmet to Athens rents were enormously high, and if Dr. King had been allowed to build upon his lands he would have realized a very large income from a very moderate investment.

In point of fact, he is believed to have derived hitherto no pecuniary advantage from his purchase, though not deprived of the naked possession of it, and I have no doubt, from an inspection of the property, as well as from the statements of Dr. King, and information from other reliable sources, that the cost of the preparations he has occasionally made for building, but has been forbidden to employ, together with the expense of the walls of enclosure, and of the insignificant buildings which he has been allowed to erect, has exceeded the income he can have derived from rents and cultivation. For two years, or thereabouts, a part of the ground was occupied as a riding school, and for this period a rent of about one hundred and fifty dollars per annum was received, but with this exception the income from the land is belived to have been but nominal. The profits which Dr. King might have derived from a judicious investment of capital in building, though they would no doubt have been very large, are, in my opinion, too uncertain and conjectural to furnish a safe criterion for estimating the damages to which he is entitled for the obstruction of his rights to the use and enjoyment of his property, and I think that interest upon the actual market value of the land would be a fairer rule. The rate of interest in Greece does not appear to be fixed by ordinance or statute; and from twenty to fifty per cent., and even higher rates, are credibly stated to have been currently paid at Athens for money to be invested in building, and that with advantage to the *borrower*, in consequence of the enormous *rents paid for dwellings and shops*. By a sort of recognized

common law, however, twelve per cent. per annum is considered to be the legal rate, though this is said to be much below the interest usually, in fact, paid. The value of the land, therefore, becomes an important inquiry, as well with reference to Dr. King's claims for damages for the obstruction of his rights of property, as to the compensation to be paid, in case the government shall elect to take the ground for public use, instead of releasing the injunction, and allowing the proprietor the free use and disposal of his land.

The price of land has fluctuated a good deal at Athens and elsewhere in Greece, and at the capital it was higher ten or twelve years since than at present. The property in question, lying upon one of the principal streets of the city, near public squares and the business part of the town, occupying an elevated position, and commanding a good and unobstructed view of many of the finest ancient monuments and other most interesting localities of Athens, appears to be equal in value to any site in the city, except, perhaps, grounds for shops in some of the more crowded parts of the town; and its selection as the site of the great national monumental church of the Saviour shows that, in the opinion of the government and its architects, it was the most eligible position remaining unoccupied. Parcels of ground, apparently not more valuable, are stated to have been sold at eight, fourteen, and sixteen drachmas (the drachma is equal to one-sixth of a Spanish dollar) the peek, and I have seen contracts of sale in which the consideration was stated, (and, as is believed, *bona fide*,) at much higher rates. A large building lot adjacent, or nearly so, to Dr. King's land, and apparently possessing no advantage over it, was sold in the course of the last year, when all material interests at Athens were in a depressed and embarrassed state, at fourteen drachmas the peek at public auction, and though the sale was not carried into effect, and the property is reported to have been afterwards purchased at eight drachmas, yet it is believed that there have been periods when Dr. King might have disposed of his land, if not embarrassed by the injunction, at a price at least as high as the auction sale above mentioned.

The actual market value of the land at different periods would form a somewhat different inquiry; and, until the principle is settled whether Dr. King is entitled to the present value only, to the value at the time his rights were first obstructed, or to the highest price for which the lands could have been sold at any time in the interim, as Dr. King contends, it seems superfluous to attempt exact estimates, and I content myself with the data I have been able to collect on this point.

The Greek government will, perhaps, contend, as it has done in other cases, that it may appropriate the land to national uses, allowing an indemnity of twenty lepta only the peek, in virtue of the before mentioned alleged agreements of the inhabitants of Athens and the royal ordinance founded in part thereon, but, as has been already argued, those agreements are believed to be void, both because those inhabitants were incompetent to act in a corporate capacity, and because they were entered into solely with reference to the plan of Cleanthes and Schaubert, which was never carried into execution.

Doctor King positively denies that he was ever party to any agreement *whatever on* the subject, and there is no evidence, or so far as is

known, pretence, that he was so; the nominal rate of twenty lepta the peek, at which an arbitrary government, in the plenitude of its power, resolved to appropriate to itself the property of citizens, applied only to certain sites noted on the plan of Cleanthes and Schaubert, and the government has compensated several claimants, to whom that rule was as applicable as to Doctor King, at far higher rates. The government itself has treated those agreements and the subsequent ordinance of 1834 as valid or invalid, according as its interest or convenience dictated.

It has appealed to them as binding, in regard to the rate of compensation to be allowed for grounds taken as the sites for national edifices, but it refuses to be bound by its own stipulations that the national treasury should make that compensation, and shelter itself under the ordinance of 1836, which throws upon the demus the liability to indemnification for land taken for streets and *squares*, because, as a matter of convenience, most public buildings have more or less of an open space or square around them. It is believed, however, that it has not been able to protect itself under those agreements and that ordinance, in *any* case of a claim by a foreign resident.

In case the Greek government shall be held directly responsible for the indemnity, there does not appear to be any legal provision for ascertaining the amount by appraisal or otherwise, and it must be matter of negotiation and agreement, but if the sole liability be considered as resting on the demus and the neighboring land holders, it would seem that the value of the land taken must be ascertained in the manner provided by that ordinance.

The remaining question, the inquiry merely, whether Dr. King is entitled to demand indemnification from the royal government, or whether he must seek his remedy against the unmerciful corporation of Athens and the neighboring proprietors alone, by appraisal, and, if necessary, by subsequent process in the ordinary judicial tribunals of the country, is one of greater magnitude, difficulty, and delicacy, and I proceed to state the conclusions at which I have arrived, with all the diffidence appropriate to an *ex parte* investigation in a case involving the construction of foreign laws, and an examination into the relations between the different branches of a foreign government.

I shall first consider the question of the liability of the demus to compensation, and of the neighboring landholders to contribution.

The alleged undertaking of the commerce of Athens, before its legal incorporation, and the royal ordinance founded thereon, being rejected as a ground of liability of the demus, both because the commune was incompetent to enter into such undertaking, and because the condition upon which it was to become effectual, namely, the adoption of the plan of Cleanthes and Schaubert, had failed, there remain upon the demus and the neighboring proprietors no obligations but such as are created by the royal ordinance of November 12, 1836. (G.)

It is important here to notice, that the original interference with Dr. King's proprietary rights was the act of the general government, through a royal officer, in 1835, before the ordinance of 1836, or the adoption of the constitution, *and at a period* when there was no existing law *imposing upon the demus any* liability to indemnification for

lands taken for streets and public squares. At this time, then, the responsibility could rest nowhere but upon the national government, and it may well be questioned whether the government could exonerate itself from this responsibility, and shift it upon the shoulders of a local corporation, by subsequent legislation.

But however this may be, it is evident that the liabilities created by this ordinance are founded on a consideration of the benefits accruing to the people of the demus from the use of the public streets and squares as highways and market places, and to the neighboring proprietors, from the opening of public ways and places in the vicinity of their lands.

The ordinance of 1836, (G,) section 22, concerning indemnities, provides a compensation for those who are deprived of the whole or a part of their ground "by the *opening* or widening of a street," &c., and the liability cannot be considered as attaching until the benefits accruing from such openings are realized, or at least until both the public and the proprietor are definitively and distinctly informed, by due authority, what portion of his lands is to be thrown open to general use.

The mere intention of the general government, however positively expressed, to open a street or square through the lands of an individual, (for the demus of Athens has no power to lay out or open streets or squares, the government having reserved that authority to itself,) can certainly impose no liability on the demus, and still less on the neighboring landholders. The word translated *opening* answers precisely to that English word, and in the opinion of able Greek jurists and scholars, it can here have no meaning, technical or figurative, not equally belonging to its English equivalent.

There has never been upon the land in question any actual opening of street or square, or any entry for that purpose, or so far as is known ever for a survey. One portion of it has been enclosed by a substantial wall for more than twenty years, and the residue for eight years; no lines of street or square were ever marked or otherwise designated upon or near the land; no monument was ever erected to inform either the proprietor or the public what were the boundaries of such street or square; no descriptive survey was ever published or made known to the proprietor or the demus, or, so far as there is reason to believe, recorded or even drawn up, and the only known designations of such street and square are the vague indications of plans on a miniature scale, and which were finally abandoned or never made public, and the yet more uncertain descriptions contained in the official notices, by which the owner has been restrained from the use of his property.

It is plain, then, that there never has been any taking, opening, or setting out of the land required for the street or square in question, nor has the demus any power over the subject. The law creating the demotic corporations imposed no liability to indemnify the owners of lands taken for highways. The ordinance of 1836 does not empower the demus of Athens to lay out streets or squares in that city. This is a matter exclusively within the control of the government of Greece, and neither the demus nor private individuals can compel the government authorities to act. The law provides no mode by which a landholder, whose grounds are to be occupied by streets or squares, can

oblige the public architects or surveyors to set out those streets or squares, or in any manner to define the limits of the land which may remain to him.

The government, not the demus, has signified its intention to occupy, sometimes, a large part of Dr. King's land for a street market place, at other times, the whole of it, as a site for a great national religious edifice. This intention has never been carried out; so far as the location of the street and public market place are concerned, it has never been even expressed with any such legal certainty as to enable the landholder or the demus to know what portion of his land is taken and what left. Dr. King cannot compel the government either to execute or to renounce its intention, and it is absurd to say that under the provisions of any existing law these facts can give him any legal claim against the demus, which hitherto is a stranger to all the proceedings, as a review of the history of the case will plainly show.

The first act of the government or its officers, specially affecting the land of Dr. King, appears to have been in 1835, when the government engineers, in opening the great street of Minerva, stopped short at the southern boundary of the tract in question, although the head of the police, an officer appointed by, and responsible only to, the king, had formaly notified Dr. King (F) that he should "begin to make" the square of the people (market place, or agora)*the next day*. In execution of this purpose, this officer filled up the ditches which the proprietor had opened to mark the boundaries of his ground; but it does not appear that he made any other entry upon it, and the intention or opening the square was forthwith abandoned, for the reason, no doubt, that it was now determined by the government to occupy the ground as a site for the church of the Saviour.

The next authoritative document, in order of time, is an order, not from the municipality or any of its officers, but from the king himself, under date of 26th June, (8th July,) 1837, (M,) and this neither states the particular purpose to which the land was to be applied, nor defines the quantity to be taken. The note of the minister of the interior, (M,) founded upon the regular order, is equally vague in its description of the land required, and the supposed order to the governor of Attica remained a dead letter, for the reason, doubtless, that the laws of Greece did not impose on that officer any duties in relation to the matter.

The royal ordinance of 3d (15th) April, 1838, (O,) expressly states that the site for the great national church of the Saviour had been already selected, and it is not denied or questioned that Dr. King's land constituted a part of the site refered to.

The letter of the head of the police of January 21, 1841, (Q,) shows that the purpose of occupying Dr. King's ground for the church of the Saviour, if indeed ever abandoned, (which there is no reason to suppose,) had been resumed, and there is no evidence of any further action on the subject by any department of the government until the 25th May, 1844. The letter of the demarch of that date (U) shows that it was not then purposed to occupy the ground for a street or market, and the letter of the minister of the interior of June 1, 1844, (W,) distinctly notifies the proprietor that his entire property was taken

for a national purpose, although it refers him to the demus for payment of his indemnity, and permits, him in case of non-payment, to resume the "use" of his lands. I say for a national purpose, because the royal ordinance of 1834 and 1838 make the intended structure a national church and the ordinance of 1836 imposes upon the demi no obligation to pay for the sites of such, or for the grounds pertaining to them.

There is, then, no proof that the public authorities ever took, or, after the abandonment of the plan of opening the square of the people, ever intended to take the land in question, for a street, a market place, or for any other purpose contemplated by the ordinance of 1836, and the obscurity which is thrown over the case, by the confusion of the names applied to the proposed square, evidently arises from the persevering attempts of the government to evade its liability for compensation for land employed for strictly national purposes, by putting forward the demus and the adjacent proprietors as the responsible parties, although it is clear that the ordinance of 1836 imposes neither upon the demus, nor the proprietors, any liability, except for land of which the owner is deprived by the opening of streets and public squares—a liability imposed in consideration of advantages which would result to the people of the demus and the proprietors, from the opening of thoroughfares and market places, but which certainly would not flow (at least not in an equal degree) from the erection of monumental structures.

The view of the case here taken is so obvious, and the absurdity of contending that a designation upon a plan hidden in the archives of the government can constitute an "opening" to public use of lands which have always been enclosed is so manifest, that not only the officers of the demus but the public journals have seized upon it as a complete answer to Dr. King's claim to an indemnity from the demus, and several lawyers, reputed to be among the ablest in Athens, specially consulted by Dr. King on this point, have given it as their unequivocal opinion, that nothing short of an appropriation of land to public use by an actual throwing open, and a consequent deprivation of the owner's possession of his property, can create a claim against the demus or the neighboring proprietors.

To these considerations may be added the fact, that the law of 1852 (CC) virtually takes away any remedy against the demus, by exempting from process all its revenues, except one-fifth of its income, its only means of discharging any extraordanary claims against it.

The "definitive answer of the minister of the interior" (AA) assumes the ground that Dr. King ought to have taken the initiative, and declares that all preliminary steps to obtain an indemnity take place at the instance of the landholder.

It is thought that this view of the case is quite without foundation, sec. 26 of the ordinance of November 12, 1836, (G,)evidently implies the contrary, for it supposes an application on the part of the demus to the landholder to name an appraiser; certainly no appraisement could be had until the limits of the ground taken were precisely known. No neighboring proprietor could be called on for contribution until his proportion was fixed, and both the demarcation of the limits, and the arrangement of the contributional proportions, were the work of officers,

not of the demus, but of the crown. And so the government, during the whole period, has evidently understood the law.

The king himself, as well as his ministers, have virtually declared, that all preliminary measures belonged to the government, and assumed the responsibility of their execution, and no published or known law or ordinance obliges or authorizes the landholder to take any steps in reference to them.

In order to anticipate any objection to the foregoing argument, which might be drawn from the occasional interference of the demarch with Dr. King's proprietary rights, it is proper here to observe, that for all purposes connected with the charge and superintendence of public ways and squares, the officers of the demus are royal, not municipal organs.

The ordinance establishing the demi, § 15, decrees as follows: "every demus has the right and the duty, under the supervision of the government (a) of administering according to existing laws, the inferior local and rural police within the limits of the demus," &c.; and further, the powers and duties enumerated in paragraph (a) are exercised by the demi in the name, and according to the orders, of the supreme authority of the State. The ordinance of December 3, 1836, concerning the demotic police, provides, § 1, that "the police is exercised by the demi, by special organs in the name, according to the order and under the supervision of the government, in conformity to the laws in this behalf provided. § 2. The demotic police is divided into administrative and judicial. § 3. The organs legally charged with the execution of the demotic police are (a) the demarch," &c.

Subsequent provisions of the same law place the charge and superintendence of the highways and squares in the hands of the officers of the demotic police.

I conclude, therefore, that Dr. King has no legal claim upon the municipality of Athens, or the neighboring proprietors, and that unless he can establish a liability on the part of the Greek government, he is without remedy.

This abstract right to an indemnity is admitted by the government itself in almost every one of its official communications on the subject, and the government has taken upon itself, as is alleged in those communications, to receive the payment of that indemnity through one of its inferior branches, the demus of Athens, but it has utterly failed to show that that branch was under any legal liability to comply with its orders to that effect.

It has been sufficiently shown that, by the informal proceedings of the unincorporate inhabitants of Athens respecting the abandoned plan of Cleanthes and Schaubert, and the unpublished ordinance of 1834, no liability on the part of the demus was created, and the government is necessarily responsible for any obstruction of Dr. King's rights by its agents, unless it has divested itself of that responsibility by the ordinance of November, 1836, (G,) which, as is thought to be already shown, did not transfer that liability to the municipal corporation of Athens.

As before noticed, the first proved interference with Dr. King's enjoyment of his *lands was the act of the head* of the police, a royal offi-

cer in 1835, and of course before the ordinance of 1836. This officer entered upon the land and filled up the ditches opened by the proprietor to mark its boundaries, but desisted from opening the square of the people, because the ground had been selected as the site of a national structure. The ordinance of 3d (15th) April, 1838, (O,) reviving the ordinance of 1834, declares that the site of this church had been selected, the government architect in 1838 notified Dr. King that his lands were to be taken for that purpose, and the secretary of the home department, when inquiry was made of him by Dr. King on this point in 1838, (P,) did not dispute the fact, which indeed is not now, and never has been, questioned. In 1841, the head of the police forbid the claimant to build upon his land "by the church of the Saviour," (Q.)

In 1844, the demarch of Athens, acting in this as a national police officer, treats the supposed square as belonging to that national edifice, (U.)

On the 1st of June, 1844, the minister of the interior formally notifies Dr. King, that by the plan of the city his land would be taken for the church of the Saviour, and although the claimant was authorized to make use of his property in case of non-payment of the indemnity, yet in 1848 the police refuses to allow him to build, unless under a stipulation that he would claim no damages for the *building*, when his land should be taken for public use; the minister of the interior, in 1850, (Y,) informs him, that according to the plan of the city, he cannot dispose of the same, and in all the subsequent correspondence the government still treats the property as having been actually appropriated to the public behoof.

The obstructions to Dr. King's free enjoyment of his rights have proceeded either directly from officers of the government, or from those of the demus acting by order and in behalf of the government. The government has disclaimed none of these acts, it has never renounced the plan of occupying the ground in question for national purposes, and it is not until the 10th of April, 1852, after depriving the claimant of his proprietary rights for seventeen years, and after he had asked the interposition of his own government, that the pretence is resorted to by the ministry that the land was to be taken for the use of the municipality, and not for that of the nation.

The non-execution of the ordinance for erecting a national edifice on this site cannot relieve the government from its responsibility. The ordinance has never been revoked, and the government has turned a deaf ear to every application for a release of the injunction. The letter of the minister of the interior of 1844 is not a revocation of the ordinance, nor had the minister any power to revoke it.

The land had been seized for national purposes before the constitution of 1844; the government is estopped by its repeated subsequent acts from denying that the title had passed to it, and it is not admitted that it *could*, had it been disposed to do so, (which there is no reason to believe,) return the lands upon the hands of the owner, depreciated in value, and without compensation for the losses he had sustained by the suspension of his proprietary rights for so long a period. Such has been the view which the government itself has taken of its obligations *in other like cases.*

By one of the early plans, certain lands of Mr. Gropius, Austrian con-

sul general, were selected as a site for the royal palace. The plan was abandoned, and the palace built elsewhere. Mr. Gropius claimed and received from the national government the full value of his lands, although the government did not occupy them for the proposed purpose, or any other, or ever take any visible possession of them, and they lie waste to this day.

I discover no distinction in principle between the case of Mr. Gropius and the present, and none in the circumstances, except that Dr. King has enjoyed the qualified possession of his land, though forbidden to turn it to any profitable account, a fact which cannot certainly exonerate the government from its responsibility for intervening damages, at the least.

The repeated orders of the government to the demotic authorities to make satisfaction to the claimant cannot, it is thought, operate to shift upon the demus a burden belonging to the national treasury, and thereby relieve itself. The government evidently felt itself bound to see the money paid, and these orders no more exonerate it from its liability than any other dishonored draft would discharge it. It has treated the demus not as an independent and responsible corporation, but as its disbursing agent, and the clause of the law concerning demi, cited by the minister of the interior, (AA,) does not affect this question. That clause runs as follows:

"There is imposed on the demi the exact fulfilment of all the duties which flow either from their communal scope, or from special legislative provisions. The supreme political authority, if it shall observe negligence on their part in this respect, ought to admonish them to fulfil their obligations."

It has been shown that the making of a compensation to Dr. King was not a duty of the character indicated in this clause; and the government, by ordering the demus to discharge a liability of the national treasury, is in the situation of the drawer of a private bill, payment of which has been refused.

The true character of the argument of the minister cannot be mistaken. It is an attempt to transfer a clear national obligation to the shoulders of a bankrupt and irresponsible corporation, and is as disingenuous as it is inconclusive.

Nor is there any inconsistency in contending that an interference with the landholders' proprietary rights by the officer of the royal government, which does not amount to such an opening of street or square as will charge the *demus*, may yet be a sufficient taking of the land to public use, or at least a sufficient deprivation of the proprietors' rights to impose a liability upon the *nation*. The liability of the demus is created and limited by specific legislative provisions, and cannot be extended an iota beyond the provisions of the statute which defines the obligation; the liability of the government is determined by the general principles of national law. It is not denied that a government, unrestrained by any constitutional limitations, might lawfully take the land of an individual, whether citizen or alien, for a street or square, or as the site of a national edifice, although no previously existing general law had authorized such taking; but the *right* of the landholder to demand a *compensation in such case is indisputable.*

Whatever doubts, therefore, may be suggested as to the character, purpose, and legal effect of the first obstruction of Dr. King's rights, (September 13, 1835, F,) before the ordinance of 1836 had imposed any liability upon the demus, there can be no doubt that the designation of the land as the site of a national edifice, coupled with a continued injunction against any profitable use of it, at least from 1838 to 1844, if not before and after those dates, does create a national obligation to indemnify the party injured; and it is further believed that the various acts of obstruction of his rights by the royal government preceding and subsequent to that period, even if they are supposed to have been committed with a view of ultimately appropriating the land to a purpose provided for by general laws, the opening, namely, of public highways, do yet impose an additional liability upon the government, because it has never applied the property to that use in such a way as to create any obligation of indemnification on the part of the demus, and because also, that if the street and market place be opened at any future day, it cannot be pretended that the demus will be liable for the intervening damages to which the claimant is clearly entitled.

Upon the whole, then, it is clear that the national government of Greece, before the adoption of the present constitution, and in violation of the principles of the organic laws which preceded it, deprived Dr. King of his right to the enjoyment and control of his property in a manner and for a purpose not sanctioned by any law of the kingdom, but by an exercise of arbitrary power; and that since the adoption of the constitution it has continued to obstruct him in the enjoyment of his proprietary rights, without applying the land to any of the uses provided for by law, or making him any compensation, as ordained by the twelfth article of the constitution. It has, moreover, repeatedly admitted his abstract right to a compensation, and it has failed to show that any local corporation, or other inferior branch of the government, is legally bound to make such indemnification.

Upon these grounds I conclude that the Greek government, and the government alone, is responsible to Dr. King; and that it ought not only to compensate him for his damages already sustained, but either to release his land from the injunctions laid upon it, or to pay him its fair value.

After this report was thus far prepared, a fact was brought to the notice of the undersigned which has an important bearing on the question under examination, both as tending strongly to confirm the foregoing reasoning respecting the liability of the Greek government, and as suggesting a doubt whether Dr. King ought not to establish his claim against that government, by a resort to the judical tribunals of Greece before he can call on his own to enforce it.

According to the first article of the code of civil procedure "every private demand concerning property or rights" in favor of or *against* individuals, bodies corporate, communities, or the *public*, is regularly subject to the jurisdiction of the civil tribunals.

By virtue of this provision, suits may be, and are brought by private individuals against the State or public, and these are heard and adjudged *in the same* way as suits between private parties.

Among the parcels of ground included in the proposed square of the

church of the Saviour, was one belonging to Maria Kaftopulo, lying a little west of the property of Dr. King, separated from it by a narrow street or lane, (which was to be discontinued according to the plan,) and not inclosed or occupied with buildings. It does not appear that the public authorities ever entered upon this parcel, surveyed it, forbade the occupation or sale of it, interfered with the proprietor's rights of enjoyment and control, or in any other manner by public act, or private notice to the proprietor, designated the land as appropriated to public use.

It was nevertheless understood to be embraced within the limits of the proposed square of the church of the Saviour, and the proprietor demanded a compensation from the government, which being refused, she commenced a suit against the State or public to recover its value. Judgment was given for the defendant in the court below, and the plaintiff carried the case to the court of appeals.

That court, upon solemn argument, reversed the decision of the court below, rendered judgment for the plaintiff, and ordered damages to be assessed by appraisal. The only evidence of any taking of the land for public use, or of any deprivation of the plaintiff's proprietary rights appears to have been the ordinance of the 3d (15th) April, 1838, (O,) a plan of the square, and a certificate of the public architect to the effect that the land was wholly included in the proposed square.

Upon this showing, the court decided that there had been a sufficient taking under the ordinance of 3d (15th) April, 1838, (O,) which, it will be remembered was merely a revival of a previous ordinance to the same effect, to entitle the plaintiff to damages to the full value of the land. It was contended by the defendant, that the demus and the neighboring proprietors alone were liable to the plaintiff, on the ground that by the royal ordinance of 1836 they were to indemnify the proprietors of ground taken for streets and *squares*, but the court held that "the indemnification imposed by the twenty-fourth article of said ordinance on proprietors of lands near the city squares, and on the demus, proceeds upon the just principle, that where the benefit is, there the expense should fall; and the landholders near the square of a city are actually benefitted by the concourse of many persons thither; and the demus is likewise benefitted by the improvement of the city thereby, and the accommodation of those inhabiting it; whilst the same principle does not apply to those holding lands near the enclosure of any public building such as the church of the Saviour, because the neighbors and the demus derive no benefit from it, inasmuch as the centre of the enclosure is occupied by the church and its outer portion, as belonging to the church, may be walled in." In another part of the decretal opinion, the court observes that "the future temple of the Saviour is to be constructed for a *national* object, consequently it is to be considered and is a *public* temple, and the enclosure of it is a *public* necessity; therefore also the public is bound to indemnify the plaintiff for the lot included in this enclosure, and the court below erroneously regarded the enclosure of this church as a square of the city.

Upon these grounds the court of appeals decided that the plaintiff must be indemnified by the national treasury, and this judgment was

after confirmed upon a full hearing by the Areopagus, the highest judicial tribunal of Greece.

The cases of Maria Kaftopulo and of Dr. King are identical in principle, the question involved is precisely the same in both, and the only difference in the circumstances is, that while on the one hand he has been permitted to enclose his grounds, and to enjoy a qualified possession of them upon the conditions before recited, on the other, the government has formally and repeatedly forbidden him to sell his estate, or permanently to improve it, in any such way as to make the possession a source of profit.

The question now suggests itself whether Dr. King is bound to establish his rights by a suit at law against the government, before the ordinary judicial tribunals of the country.

The code of civil procedure does not make this course obligatory upon the claimant in any case of disputed right, and it is matter of grave doubt whether any government can forcibly seize into its hands the property of a foreign citizen acquired in pursuance of its own laws, and then turn him round for redress to tribunals of its own creation, and which are dependent on its own will—tribunals which have indeed the power of determining the right, but not of enforcing their sentences against the public, there being apparently no final process by which the property or resources of the State can be reached.

The undersigned thinks he is doing no injustice to the character of the judicial tribunals of Greece in expressing the opinion that Dr. King would resort to them in vain, in any controversy with the national government.

The decision against the government in the case of Kaftopulo was rendered in 1844, immediately after the adoption of the constitution, when the principles and the hopes which inspired the popular movement that compelled the acceptance of that instrument by the government were yet in full vigor, and when the organic law of the State was still respected and enforced. At present, the constitutional provision requiring the establishment of a permanent and independent judiciary is disregarded. Judges are appointed and removed at the pleasure of the crown, which has absorbed the appropriate powers and jurisdiction of all its inferior departments. Dr. King, as a foreigner, cannot avail himself of the sympathies and the manifold protective influences by which a native is sustained in every controversy with his rulers, and the measure of justice he would be likely to obtain by a resort to Greek courts of law may be estimated by that which has been meted out to him in the criminal prosecution of which he has been lately the victim.

He did not follow the example of Kaftopulo in 1844, and commence a suit against the government, because he understood the letter of the minister of the interior of that year (W) as a relinquishment of the claim of the government to his land; and when the public again interferred with his rights in 1848, it was nominally in behalf of the demus, and the change in the condition of things in Greece had already shown that a resort to the courts of justice would, in all probability, be fruitless.

It is believed that, unless the government of Greece can disprove or

avoid the facts recited in this report, the claim of Dr. King against it for redress is fully made out. It is the opinion of able professional advisers well skilled in the laws of Greece, and familiar with the administration of justice in her courts, as well as of every impartial observer at Athens, that however clear his rights may be as against the government, they would not now be sustained by the judicial tribunals of the land, and that he has no legal remedy against any other person or body corporate.

In the opinion of the undersigned, therefore, it would be tantamount to a denial of justice to refer the claimant to the courts of Greece, for redress or the establishment of his rights, and his only hope of relief is to be found in the action of his own government.

The case of Mr. Finlay, in which, as is well known, the British government demanded and obtained redress from that of Greece, is very similar to that of Dr. King. The only difference appears to be, that Mr. Finlay's grounds were not within the city plot, but just without the tract, which, by the original plan, was divided into streets, blocks, and squares, and that this land was actually employed by the government, the royal palace or gardens being situated upon it. Neither of these circumstances affects the question in the judgment of the undersigned. The right of indemnification secured by the constitution attaches whereever any one is deprived of his proprietary rights, and it is quite unimportant whether the government which so deprives him itself derives any benefit from the act or not. The fact that Mr. Finlay's land lay without the city plot has no bearing on any question except that of the liability of the demus, which is conceived to have been satisfactorily disposed of. Mr. Finlay's claim was resisted by the Greek government on the ground that the land had been seized by an arbitrary exercise of royal power for a purpose not provided for by law, and before the adoption of the constitution; that this was a personal act of the king, for which he alone, and not the nation, was responsible; and that the claimant might have redress, by the ordinary forms of civil process, against all who, in the name of the king, or under his authority, had interferred with his proprietary rights.

There was here precisely the same question as to the liability of the national government as in the present case, precisely the same obligation on the part of the claimant to establish his rights by legal process against the government for property taken by royal authority, in precisely the same way, before the adoption of the constitution, and for purposes not provided for by law, but Great Britain held that a judicial sentence against the government was not requisite in order to fix its liability, and, without any civil process against the government, required it directly to make satisfaction.

It is understood that, independently of questions of expediency and of the doubts raised respecting the claim of Pacific's supported by Great Britain at the same time, the course taken by that power in sustaining the rights of Mr. Finlay was deemed by the most eminent publicists of Europe to be in strict accordance with the principles of national law, and it was submitted to by Greece, as well as by the great powers, which in common with England had guarantied her independence.

Upon the *whole case, then, the claim of* Dr. King is believed to be no

less meritorious than that of Mr. Finlay; it is more unequivocally a claim against the Greek government, because, as has been solemnly decided by the highest judicial tribunal in Greece, the purpose for which his lands were taken, though not one provided for by any general law of the land, was a strictly national one, and not, as in Mr. Finlay's case, an appropriation to the private use of the king, and therefore, apart from considerations of expediency, which it does not belong to the undersigned to discuss, the present claimant appears to be equally well entitled to ask the intervention of the government of his country.

All which is respectfully submitted.

GEORGE P. MARSH.

D.

Royal ordinance of 27th December, 1833.—Of the form and division of the Demi.

I. The kingdom of Greece shall be divided into *demi*, and the extent of each demus shall be defined; extensive woods, morasses, and other uncultivated and thinly inhabited tracts shall be set apart into separate districts.

2. In fixing the limits of the demi and districts, special regard shall be paid to their physical situation, and, when it is possible, they shall be determined by permanent natural boundaries, that is to say, by mountain ridges, ravines, water-courses and the like.

The limits shall be marked by boundary stones.

8. The form and division of the demi are determined by the king; and before any future changes of their organization, when once determined, the opinion of the proper demotic council, as well as of that of the eparchy and of the nomachy shall first be taken.

15. Every demus has the right and the duty, under the supervision of the government, (a) of administering the local and rural police within the limits of the demus; (b) of regulating independently its affairs, and of managing the demotic property; (c) of managing in the same way the property of benevolent institutions whenever it, in mixed demi, does not belong exclusively to a particular religious sect; (d) of electing from its own members the demotic authorities. The powers and duties enumerated under (a) are exercised by the demi in the name and under the orders of the supreme authority of the State; the rights enumerated under (b) (c) (d) in the name of the proper demotic authorities.

16. With respect to the demotic property, the demi may exercise all rights, and enter into all contracts which the law allows to individuals in general, and do not specially forbid to the demi.

17. There is imposed on the demi the exact fulfilment of all the duties which flow from their communal scope, or from legislative special provisions. The supreme political authority, if it shall observe negligence on their part in this respect ought to admonish them to discharge their obligations.

18. As such obligations of the demi, according to article seventeen, are

regarded above all, (a) the necessary expenditure for the administration of the local and rural police, and the establishment and maintenance of the requisite police institutions; (b) the payment of the taxes imposed upon the demotic property, and of every other demotic charge; (c) the compensation of the officers and public servants required for the demotic service, and the indemnification of the demarch for the losses and expenditures incurred by him in the course of his official service, from the neglect of his private affairs; (d) the establishment and maintenance of primary schools; (e) the building or renting, and keeping up of the necessary demotic establishments; (f) the construction and maintenance of demotic roads and bridges, and of the necessary aqueducts and wells; (g) the setting up and maintaining of the boundary monuments of the lands of the demus; (h) the construction and maintenance of hydraulic works on shores and waters, so far as the charge of these appertain to the demus; (i) the supply of the necessary expenses on account of those local benevolent institutions, the support of which, for want of property of their own, or the entire exhaustion of their means, falls to the burthen of the demus; (j) all expenditures which flow from their legal relations with individuals.

E.

ATHENS, *January* 20, (*February* 9,) 1835.

SIR: I have the honor to inform you, that some years since I bought two lots of land near the church of the "Holy Apostles," one of which contains more than three stremmata of land, and the other about two; and that, before any plan of the city was made by Messrs. Cleanthes and Schaubert, I had been at some considerable expense in enclosing the one by a stone wall, and in making preparation for building a house on the same; and that, after the government had sanctioned the plan made by Messrs. Cleanthes and Schaubert, I had in a similar manner been at expense in collecting materials, such as stone, &c., for building a house on the second lot also, and that before there was on the part of the government any hindrance to the carrying out of the plan.

Finding now, however, that according to the plan of Mr. Klientz, almost the whole of my two lots will be cut off by the street Athena, and the new market or the public garden, I beg you to grant me a suitable indemnification.

JONAS KING.

To the MINISTER OF THE INTERIOR.

F.

J. Black to Jonas King.

MY DEAR SIR: I have received the order to close the foundation you once opened in the rear of *Philadelphia*, and the well that is open also in the rear. We begin to-morrow to make the ——— (square of the people,) *excuse haste.*

Yours truly,

J. BLACK.

Will you put your workmen, or shall I order mine to work at your expense.

(Received, September 13, 1835.)

G.

Extracts from the ordinance of November 12, 1836, *concerning the execution of the plan of the city of Athens.*

Concerning Indemnifications.

22. The indemnification of all those who, by the opening or widening of a street have lost all their plot of ground, or a part of it, shall be made by the remaining proprietors, (it shall be reckoned according to the length of the front,) of the remaining neighboring plots of ground.

23. In the street of Athena, this indemnification is prescribed for five royal peeks in width on either side, and since it is very wide, for the middle portion of it indemnification will be made by the (demus or) commune.

24. In all the squares of the old and new city, this indemnification is prescribed for ten royal peeks in width on each side; but for the middle, indemnification will be made by the commune, (demus.)

Rules for the Valuation.

25. The valuation will be made by two experts, one of whom the proprietor appoints, the other the council of the demus. These will give their opinion within eight days, and if they doubt concerning the accuracy of the measure, the architect of the city has the right to verify it; but, if they do not agree as to the amount of the indemnification, then the price shall be determined by the court according to the current value, according to preceding and late sales, either of the same plot of ground, or of the neighboring plots of the same quality.

26. If the proprietor, upon the summons of the demarchy to make known his expert, does not present him within five days, the governor shall appoint him in his behalf, and the proprietor shall be bound to submit to his decision.

27. The decisions of the experts the President of the court declares, without appeal, and they are executed accordingly without delay.

H.

Athens, *January* 16, 1837.

Sir: I, the undersigned, having a considerable lot of land in the Athena street, the greatest part of which is embraced by the opening of said street and the public garden, and as there remain to me of this land *three small plots* bordering on small streets, which, according to the *plan of the city*, will be discontinued for this reason, I beg the demarch

to order them (the discontinued streets) to be joined to the plots of my own land, as above mentioned, by way of indemnity for the land taken from me for the street and the public garden, and if, according to the decision of arbitrators, I have to receive from the municipal treasury, or to pay anything for the arrangement of this affair, I am ready to conform to what is right.

I remain, sir, your obedient servant,

JONAS KING.

To the DEMARCH OF ATHENS.

I.

ATHENS, *January* 16, 1837.

SIR: I, the undersigned, have about eleven thousand square peeks of land in the Athena street, close to the square of the people, which, by the opening of the said street and square, will almost all be taken for the use of the public, and not for private use, there being no dwelling houses in that part of the city, but open fields; I therefore request you will, agreeable to the royal decree, and to your own proclamation under No. 2339, (24,) act in the same manner for me as you do for others, who suffer loss by the plan of the capital.

I remain, sir, your obedient servant,

JONAS KING.

To the DEMARCH OF ATHENS.

J.

[No. 2339, (24.)] KINGDOM OF GREECE.

The demarchy of Athens to the inhabitants of this demus:

The subject of the indemnification of those citizens of the demus, whose plots of ground have been thrown open by the opening of the great streets of Athena, of Hermes, of Æolus, &c., by the formation of squares, and the widening of all the streets in general of the city, has been one of the most important and most difficult subjects for the demotic authority. The lack of pecuniary means, and other demotic property, have put the council of the demus and us to the painful necessity of not being able to fulfil what the agreements of the commune established—that is, the donation of plots of ground in another situation, and the other pecuniary indemnification, in addition to this, to those from whom their private property was taken for the execution of the plan of the city, and so much the rather, as the said agreement was made on the supposition that that indemnity was to be made, not only in behalf of the province, but also from such taxes as the treasury of the demus was not able according to law to collect. Many deliberations having taking place in our *demotic council*, and different observations of the *demarchy, which, having been sent* for the approval of his majesty,

have brought about the happy result of our being able to set at rest the complaining citizens of the demus, indemnifying them through those individuals who have been benefitted by the opening, as we have said, of the streets of Athena, Hermes, Æolus, &c., by the formation of squares, and the widening of all the streets of the city, without burthening the treasury of the demus, and the citizens of our demus, with endless imposts, and especially without those who have a right to indemnity, being compelled to be thrown, according to the said agreement, to one extremity of the city, whilst they have ceded plots for houses and shops in its centre, and whilst, finally, according to the measures already taken by his majesty, the person indemnified in money for the worth of the ceded land of his can choose for himself the situation of his new house, and certainly an endless number of such sites exist within the plan.

Since these things are so, we invite again each one of those having, as above, claim to indemnity to conform to the following extract of the high royal decree of 12th, (24th) of November, 1837, under No. 17,347, which is as follows:

Concerning Imdemnifications.

22. The idemnification of all those who, by the opening or widening of a street, have lost all their plot of ground, or a part of it, shall be made by the remaining proprietors (it shall be reckoned according to the length of the front) of the remaining neighboring plots of ground.

23. In the street of Athena, this indemnification is prescribed for five royal peeks in width on either side, and since it is very wide for the middle portion of it, indemnification will be made by the commune.

24. In all the squares of the old and new city, this indemnification is prescribed for ten royal peeks in width on each side, but for the middle indemnication will be made by the commune.

Rules for the Valuation.

25. The valuation will be made by two experts, one of whom the proprietor appoints, the other the council of the demus. These will give their opinion within eight days, and if they doubt concerning the accuracy of the measure, the architect of the city has the right to verify it; but if they do not agree as to the amount of the indemnification, then the price shall be determined by the court according to the current value, according to preceding and late sales, either of the same plot of ground or of the neighboring plots of the same quality.

26. If the proprietor, upon the summons of the demarchy to make known his expert, does not present him within five days, the governor shall appoint him in his behalf, and the proprietor shall be bound to submit to his decision.

27. The decisions of the experts the president of the court declares without power of appeal, and they are executed accordingly without delay.

The Demarch.

A. PETRAKES.

Athens, January 7, 1837.

K.

ATHENS, *June* 26, 1837.

SIR: About six years ago I bought a lot of land, called "Philadelphia, not far from your excellency's office, containing the 6,450 square peeks, and I have applied several times to government for permission to build on the same, without ever having, up to the present time, received it. I have endeavored to sell it, but have not been able on account of the doubt there exists as to the plan of the city for that quarter in which it is situated.

At length, tired of waiting any longer, I have taken the liberty of addressing your excellency, requesting a decision on the fate of my land, that I may be enabled to dispose of it, or build thereon, according to my pleasure.

Should the government wish for my land, I demand that a proper indemnity, according to its value, should be immediately given me.

I beg of your excellency to give me a definitive answer as soon as possible, that I may no longer be obliged to remain without being able to make any use of my land.

I have the honor to be, sir, your most humble and obedient servant,

JONAS KING.

To his excellency the CHEVALIER RUDHARDT,
President of the council of ministers, Secretary of State for Foreign Affairs and the King's Household.

L.

To his Majesty the King, the Secretary of State for the Home Department.

MR. KING'S CLAIMS.

ATHENS, *June* 23, 1837.

I have the honor to reply to the royal order of the 16th (28th) June.

One part of Mr. King's lot of land, called "Philadelphia," is cut off according to the plan of the city of Athens, by the Athena street, and another part by the market place, the draught of which was submitted to your majesty's consideration in my report of the 2d of November, 1835, No. 9228. He has only two small plots remaining, one situated to the east and the other to the west of Athena street, of which he may dispose or build on according to his pleasure, provided he conform to the regulations laid down by the plan.

For the land taken for the Athena street, as well as that taken for the market place, Mr. King will be paid an indemnity by the demus of Athens, according to the agreement made between the demus and the landholders.

Consequently Mr. King can only dispose of the two small plots above mentioned.

I have the honor to be, with the most profound respect, sire, your majesty's most humble and obedient servant and subject,

THE SECRETARY OF STATE,
for the Home Department.

M.

OTHO, ETC., ETC.

We order our minister of the interior to inform Mr. King, without delay, that one part of his land will be appropriated to the use of the city of Athens, and that with regard to the other part he has permission to dispose of it as he pleases; and you will take care that there be made by the demus of Athens the indemnity due to him.

OTHO.

ATHENS, *June* 26, (*July* 8,) 1837.

N.

[No. 9948.] KINGDOM OF GREECE.

The Secretary of the Home Department to Mr. Jonas King.

I have to inform you that in consequence of a royal decree signed on the 26th June, (8th July,) a part of your lot of land, known by the name of "Philadelphia," is, according to the plan of the city of Athens, taken by the street Athena, and another part by the market place. The indemnity for these plots of ground will be paid to you by the demus of Athens, according to the provisions on this subject. You will therefore come to an understanding with the governor of Attica, whom we have ordered to effect your indemnification by the demus of Athens. As, however, you will have two small plots left on the two sides of the market place, you may build on them, or otherwise dispose of them at will, following always the plan prescribed for that portion for which the architect of the city can furnish you with every information you may desire.

The Secretary of State.

A. POLYGOIDES.

ATHENS, 3*d*, (30*th*,) *June*, 1837.

O.

Decree concerning the erection of a church of the Saviour in Athens.

OTHO, BY THE GRACE OF GOD, KING OF GREECE.

Whereas, we have already expressed by our decree of January 25, (February 6,) 1834, our desire to erect in our capital, Athens, a church honored with the name of the SAVIOUR, for the eternal remembrance of the miraculous assistance of divine Providence, which has rescued the Greek people from evils and dangers, and for the strengthening of posterity in the faith, by means of which our forefathers acquired their independence;

e decree:

The plans submitted by the architect appointed for this purpose ving been approved by us, as worthy in all respects both of the reek people and of the occasion in commemoration of which it is ised, *the site having also been fixed upon*, on which this church is to be ected, that the erection of this monument commence as soon as ssible.

Wherefore: We decree, that the beginning of the primary works all commence forthwith, and the building advance in proportion to e funds existing from time to time. Considering this church which is be erected as indeed a national monument expressing the gratitude the nation towards the Most High, we hope that every Greek will nsider it an honor, moved by true patriotic sentiments, to contribute rfully according to his ability; we ourselves will set apart from our ivate treasury a suitable sum.

Our state bureau of ecclesiastical affairs, &c., is ordered to give the cessary directions, as well to the bishops and priests of the realm d the demotic authorities as to our ambassadors and consuls, that ey may collect the voluntary contributions offered for this object.

The names of those who contribute to this good and national end ill be inscribed in a particular book, that they may be preserved in is church for their eternal remembrance.

The present decree will be published in the journal of the govern- ent.

OTHO.

ATHENS, *April* 3, (15,) 1838.

The Secretary of Ecclesiastical Affairs, and of public instruction.
G. GLARAKES.

P.

To the Secretary of State for the Home Department.

SIR: I, the undersigned, wishing to dispose of a part of the lot of land which, according to the first and second plan of the city of Athens, remained to me of my lot of land called "Philadelphia," I was informed by the government architect, Mr. Schaubert, that the government has taken almost the whole of said land, according to a new plan sanctioned by his majesty the king.

I therefore beg your excellency to inform me whether my informa- tion be correct or not.

I remain, with due respect,
JONAS KING.

ATHENS, *September* 12, (N. S.,) 1838.

Q.

[No. 99, (57.)] KINGDOM OF GREECE.

The municipal police of Athens to Mr. King.

SIR: You are hereby desired to cease from undertaking any building whatever on your land by the square of the church of the Saviour, and also to fill up the ditch already opened by you, and this agreeably to the plan of the architect of the city, dated the 16th of the present month.

ATHENS, *January* 21, (*February* 2,) 1841.

The Head of Police.

NICOLAS PETROKOKINOS.

R.

To the royal police of Athens.

SIR: I, the undersigned, beg to inform you that his august majesty, the king of Greece, was pleased some years ago to order me to be paid an indemnity for the plot of ground which you mention, but that, up to the present moment, I have not received a single farthing, consequently I wish to sow it, and for that reason I opened the ditch around it, and also that the boundaries of the lot may appear.

I remain, with all respect,

JONAS KING.

ATHENS, *February* 3, (N. S.,) 1841.

S.

To the royal police of Athens.

SIR: I, the undersigned, beg to inform you, that before the arrival of his majesty the king, and before the present plan of this city existed, I opened the ditch concerning which you make mention in your communication under number 99, (57,) and that in consequence of its having been filled up, I opened it again that the boundaries of my land might appear, and also for the purpose of sowing it,

I remain, with all respect,

JONAS KING.

ATHENS, *February* 10, (N. S.,) 1841.

T.

ATHENS, *June* 3, (N. S.,) 1844.

SIR: I, the undersigned, an inhabitant of Athens, request permission from the worshipful demarchy of Athens, to enclose by a wall a plot of ground I have, touching my lot of land called "Philadelphia," and on which plot are two small houses, in which families have for a long time been living.

I remain, with respect,

JONAS KING.

To the DEMARCH OF ATHENS.

U.

[No. 1693, (1094.)] KINGDOM OF GREECE.

The Demarch of Athens to Mr. Jonas King.

In answer to your petition under date of June 3, (N. S.,) and in consequence of the opinion of the architect of the city, as regards your demand, I beg to inform you that you have permission to enclose your land with a wall to the height of 1 $\frac{30}{100}$ metres, on condition that you shall previously depose a written obligation in the demarchy, that, as soon as it shall be decided to carry into effect the building of the church of the Saviour, you shall not claim any indemnity for the said temporary walls.

The Demarch, A. PETRAKES.

ATHENS, *May* 25, 1844.

V.

ATHENS, *June* 3, (N. S.,) 1844.

SIR: I, the undersigned, an inhabitant of Athens, request permission from the Secretary of State's office, to build on my land called "Philadelphia," where I have about eleven thousand square peeks, or should the government require this land, that a fair indemnity should be paid to me for the same.

I desire this the more because I have already been deprived of the use of this lot of land for about thirteen years.

I remain, with every respect,

JONAS KING.

To the SECRETARY OF STATE *for the Home Department.*

W.

[No. 7460.] KINGDOM OF GREECE.

The Minister of the Interior to the Rev. Jonas King, concerning his lot of land situated in the square of the church of the Saviour.

SIR: In answer to your petition, dated June 3, (N. S.,) I beg to inform you that, as according to the plan of the city, your lot of land called "Philadelphia" will be taken for the square of the church of the Saviour, we have in all haste ordered the municipal authorities that it cause to be made to you your indemnity, not only by the neighbours, but also by the demus, according to the royal ordinance, dated 12, (24,) November, 1836.

I beg further to inform you, that in case your indemnification be not made within ten days, you are at liberty to make use of your property agreeably to the 12th article of the constitution.

The Minister,

ANDREAS LONDOS.

ATHENS, *June* 1, 1844.

X.

Copy of a petition of Jonas King to the Demarch of Athens.

To the DEMARCH OF ATHENS.

The undersigned asks permission to build a small house of one story on the west side of the western division of his lot called "Philadelphia," promising not to ask indemnification from the government *for the building of this small house*, if it is found, according to the approved plan of the city, to be within the great square of the market.

JONAS KING.

ATHENS, *September* 9, (21,) 1848.

"On the above condition permission was given to Mr. King, and he put up the small building above mentioned.

"In like manner, also, on a similar condition, there was given to him, in 1850, permission to build a riding-school for the Pales."

The architect of the city,

D. TEZER.

Y.

MINISTRY OF THE KING'S HOUSEHOLD, AND OF FOREIGN AFFAIRS.

ATHENS, *November* 22, (*December* 4,) 1850.

SIR: I have the honor to inform you, in answer to the two communications you have addressed to me, regarding the claim of Mr. King, *that the minister* of the interior on the receipt of the first, hastened to

re an order to the engineer officer, who is entrusted with carrying t the plan of the city of Athens, to proceed with the modifications uich, conformably to the 4th article of the royal ordinance of 1836, : to be carried into effect, in order to be able to decide who are the rsons to be called upon to pay the indemnity due to Mr. King for the rtion of land which, according to the plan of the city, he cannot dis-se of.

As soon as the result of these modifications shall be known, which ll shortly take place, the minister will send me his decisive answer to the claim, and I shall have the honor of making it known to you.

Accept, sir, the assurance of my distinguished consideration,

P. DELYAOMI.

To J. D. DIORNETARI, Esq., *United States Consul, &c., &c.*

Z.

he Minister of the King's Household and of Foreign Affairs, to Mr. J. King, performing provisionally the functions of Consular Agent of the United States of North America.

ATHENS, *April* 18, (30,) 1852.

SIR: The minister of the interior, to whom has been transmitted all our communications relative to indemnification which you claim for part of one of your lots of land at Athens, intersected by the plan of he city, has just addressed to me a definitive answer, a copy of which I have the honor to transmit to you herewith. In that you will well find the reasons why the royal government, having nothing to do with this affair, it was for you, sir, knowing very well long since the nature of your claims, to demand your rights in proper time and place, by availing yourself, for this purpose, of the means which were afforded to you by the laws in force; and if you have not judged it expedient to make use of them hitherto, this delay, you will conceive, can by no means be imputed to the royal government.

Receive, sir, &c., &c.,

A. PAICUS.

AA.

[No. 5379, (6493.)]

The Minister of the Interior to the Minister of Foreign Affairs.

ATHENS, *April* 10, (22,) 1852.

SIR: In answer to your documents concerning the subject below mentioned, we have the honor to inform you that the numerous documents on which Mr. King rests his claims against the Greek government do not at all change the character of the case.

Mr. King, though a foreign subject, is subject, as to his property in reece, to the laws *of the realm, both according* to the principles of

the law of nations and according to article 1 of the treaty between the United States of America and Greece.

The lot of land belonging to Mr. King in Athens, according to the approved plan of this city, is taken in part by the street of Athena, in part by the square of the market, and a part, as suitable for building, remains at his disposition.

If Mr. King would take into view, as he ought, the law of the 12th November, 1836, concerning the execution of the plan of Athens, (see code, tome 2, p. 617,) and particularly the articles 22, 23, and 24, he would see that, according to the law, his neighbors are obliged to indemnify him to the width of five royal peeks of the property taken, and the demus for the remainder of it, and not the public.

The government, superfluously and out of kindness to Mr. King, called upon the city authorities at different times to finish the business of the indemnification due to him; but surely it does not escape Mr. King that the government could not oblige the demus to make this indemnification, because such obligations in Greece, even upon the demi themselves, are only imposed judicially.

Although the consequences of ignorance of the laws fall heavy upon him who is ignorant of them, Mr. King from the commencement was not ignorant that the demus, and not the public, is obliged to indemnify him.

The proof of this circumstance is found in the documents mentioned by Mr. King.

According to the regulations concerning the application of the plan, whoever wishes to build upon his lot must make a petition to the city authority for permission to build. In pursuance of this petition, the proper architect repairs to the place and fixes the line of building, if there exists no impediment.

In the contrary case, that is, if the lot of the petitioner is taken wholly or in part, or if there exists a reason for change, according to article 2 of the royal ordinance of 9th April, 1836, then he makes out a measurement of the lot, from which the proprietor of it learns the persons who are obliged, according to law, to indemnify him, the proportion which falls upon each person, and the part of his lot which remains to his disposition. All these things are carried into effect at the instance of those interested, whoever they may be.

But as it respects the manner of the valuation of the lots taken for private use or for the demus, the clause of article 25 of the before mentioned ordinance of the 12th November, 1836, is in force.

Nevertheless, as by our communication of November 30, 1852, under No. 20,646, be informed, sir, that all the above proceedings took place, the results of them having been communicated to Dr. King, to whom there remains nothing but to accept them, or to submit to our department his complaint, according to article 4 of the royal ordinance of 9th April, 1836.

From what has been stated, you will be persuaded, sir, that there is no foundation for the claims of Mr. King against the public; that he, as a proprietor in Athens, is subject to the laws of the kingdom; that his lot called "Philadelphia," situated within the limits of the approved *plan of the city*, is subject to the regulations respecting the laying out

of streets and other things defined by the ordinances of April 9 and November 12, 1836; that if the government, acting with indulgence towards Mr. King, and having regard for the venerableness of his character, interfered in the matter with reference to his indemnification, repeatedly exhorting the demus to perform its duty towards him—the government, we say, by this intervention, which was in accordance with the clause of the 17th article of the law concerning demi, did not undertake the obligation to make itself the indemnification, the demus delaying or denying it.

Mr. King, urging with so much perseverance his claims against the public, is not a little strengthened in this by the example of Finlay; but there exists a great difference between the two cases, for the lot of Finlay, lying without the limits of the plan of the city, and thus free from the legal imposition of the public streets, was taken for a public necessity, not properly certified; but the lot of King, lying within the city, subject to the regulations for laying out streets, is taken for a use provided for by an express law regulating the manner of his indemnification, and indicating the persons who are liable to make it.

This report we should not have delayed so long if Mr. King had been pleased to yield to our request concerning the communication of the official documents referred to in his petition to the consul of the United States.

The minister, A. S. DANOPOULUS.

BB.

UNITED STATES CONSULATE,
Athens, August 5, (*July* 24,) 1852.

SIR: The minister of the interior, in his communication to you under date of April 10, 1852, a copy of which you enclosed to me with yours of April 18, (30,) 1852, says:

[Here follows an extract.]

Of that document will you have the goodness to furnish me with a copy, so that I may learn at what time certain events transpired, and when the consequences of them were communicated to me?

The minister of the interior, in his communication to me the 3d of June, 1837, says:

[Then follows the quotation.]

The same minister, in his report to his majesty the king, the 23d June, 1837, says: "Une partie de l'un placement de M. King, nominée Philadelphié est enterée d'aprés le place de la ville d'Athènes par la rue de la Minerve, une autre partie en est prere *par la marché*, dont le projet a éte sournis à votre majesté par mon rapport en date du 2me Novembre, 1835, No. 9228," etc.

His majesty the king, also, by his order of the 26th June, (July 8,) 1837, says:

[Here follows the king's order.]

The municipal police of Athens, in a communication to me the 21st January, 1841, says:

[The communication is then quoted.]

The demarch of Athens, in a communication to me the 25th of May, 1844, says:

[Here follows an extract.]

The minister of the interior, in a communication to me the 1st June, 1844, No. 7460, says:

[Here is appended an extract from the minister's letter.]

The minister of the interior, in his communication to you above mentioned, of the 11th April, 1852, a copy of which your excellency enclosed to me, with yours of the 18th, (30th,) April, 1852, says:

[Here follows the extract.]

Having all these different communications in view, I beg that your excellency will have the goodness to inform me, first, what portion of my lot of land called "Philadelphia" is now demanded by the government; second, for what purpose; and, third, according to what plan. And I beg your excellency also to furnish me with the present plan of that section of the city in which said lot called "Philadelphia" is situated.

Yours, with all respect,

JONAS KING,

United States consular agent, for John D. Diometaré, esq.

To his excellency A. PAICUS, *Minister of Foreign Affairs.*

CC.

Concerning the liquidation of the debts of the Demi, OTHO, *&c.*

In concurrence with the chamber of deputies and the senate we have decreed and do ordain:

Article 1. For debts contracted after the formation of the demi, all attachment of their yearly revenue, fixed by the budget or by other particular acts, is forbidden.

Article 2. Those who have claims against the demus, founded upon orders issued according to the lawful form, upon final judicial decisions or other executory documents, are bound, before the voting of the budget, to make to the proper demarch their demand for payment, by petition, or by admonition of payment made according to the lawful forms.

Article 3. The demotic authority, having received the petition according to the above article, or the admonition of payment, is bound to note the required sums in the budget of the year immediately following; but if the demands of the creditors of the demus exceed the

pecuniary means at its disposal, then it must appropriate the fifth part of the budget of the receipts to the satisfaction of these creditors, *pro rata*. The demotic collectors are bound, upon pain of damages, to retain out of the moneys collected the above-mentioned amount, which they shall pay to the said claimant in due proportion. But, if the demotic authority does not cause such claims to be provided for in the budget of the year immediately following, the creditors of the demus have the right of attaching the fifth part of the ordinary and extraordinary receipts of the budget of the demus for that and the following years.

Article 4. The provision of the law of June 23, 1837, concerning the debts of the communes, remain in force as far as they are not contrary to the present law.

The present law, having been voted by the chamber of deputies and the senate, and ratified by us this day, shall be published in the journal of the government and executed as a law of the state.

OTHO.

K. PROBELEGGIUS.
A. S. DANOPOULUS.
In ATHENS, *January* 24, 1852.

Examined, and the great seal of state hereunto affixed at Athens, January 24, 1852.

The Minister of Justice, K. PROBELEGGIUS.

Mr. Marsh to Mr. Webster.

GLEICHENBERG, NEAR TRIESTE, *October* 4, 1852.

SIR: As I proposed in my letter of August 21st, from Athens, I sailed from that port for Trieste, on board the San Jacinto, on the 23d of August, and arrived at Trieste on the first of September. I immediately proceeded to this place and applied myself to the completion of my reports. The first of these, that respecting Dr. King's claim upon the Greek government in respect of his lands, was finished and mailed for London on the fifteenth of September. A week after, it was returned to me by the postmaster of a country town through which it passed, because he supposed it to be a package of merchandise. It was then again forwarded, with proper explanations, and has, I hope, been allowed to proceed without further obstruction.

I had pretty fully examined the other question while at Athens, and arrived at definite general conclusions; but after my letter of August 21st was written I received further papers, and additional volumes of laws, which also required some study. Upon resuming the case here, with the view of copying out and enlarging the report, I found, in comparing the translations with the laws, the record, and other documents, that some of them must be altogether rewritten, and that they all required a more careful revision than I had expected. This has been a task of some *difficulty and labor*, as the office copies are so slovenly

in their chirography that a person not familiar with the modern Greek written character can decipher it but slowly. I have, however, performed this labor, and though I have failed to make out here and there a word, I can say, after a third revision, that I believe no important error remains to be corrected.

I judged, also, that I should save the department some labor by collating and arranging the evidence; and I thought the importance of the matter, in its immediate consequences, and as a question of principle, justified me in taking the time necessary for presenting a somewhat full view of the case in the report, and especially for the careful study of so much of the Greek penal code and code of criminal procedure as could be supposed to have any bearing upon it.

I found that some of Dr. King's counsel, who stood highest in public estimation, although they had in private expressed the most decided disapprobation of the conduct of the courts in convicting Dr. King, and in sustaining the conviction were reluctant to commit themselves openly on the question, partly perhaps from apprehension of incurring the indignation of the government, and partly from an honorable reluctance to express opinions publicly, which a foreign government might use to the prejudice of their own. I had, therefore, no communication whatever with any professional gentlemen, and I am alone responsible for all the conclusions of the report, and the arguments upon which they are founded.

Before I visited Greece, Dr. King had obtained the written opinion of eminent counsel, a translation of which I subjoin, but I have not referred to it in the report, because I thought it might prove injurious to them, and because, also, however valuable as an opinion, it is not of much weight as an argument.

I have now entirely completed the report, but as, with the copies and translations annexed, it is very bulky, I shall retain it until the 10th or 11th of the month, when I shall have means to forward it to Vienna, and perhaps further, by a private conveyance.

I remain ready to execute the further instructions of the department, and shall keep near some convenient port of embarkation for Athens or Constantinople, as you may be pleased to order, and Mr. Miller, of London, will be at all times advised whither to forward dispatches.

I have the honor to be, sir, with profound respect, your obedient servant,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER,
Secretary of State.

ATHENS, *May* 1, (13,) 1852.

Translation of a document, containing the opinion of twelve Greek lawyers in Athens, concerning the trial and condemnation of Jonas King, in 1852.

SIR: You have done us the honor to ask our opinion on the decision *of the areopagus* against you, if this is not prohibited by the law or *judiciary discipline.*

Although what has been judicially decided is considered as the truth itself, it is, however, permitted to compare the decisions of the courts with the unchangeable principles of right, and to judge how far they are in accordance with them, and this with the same freedom with which we judge every other work of the human understanding. Hence we see daily, in the writings of the French jurists, the decisions of the wise supreme judicial court become the objects of scientific discussion, and sometimes of severe censure.

According to us the decision of the areopagus before us is erroneous, for the following reasons:

The criminal court, in the recapitulation of the reasons for its decision, declared, that the simple denial of the dogmas of the eastern religion concerning the Mother of God and the mystery of the communion is a malevolent expression, attacking the dogmas of that church, and thus applied against you the 17th article of the penal code, which punishes attacks on the dogmas of religion by malevolent expressions.

Your counsel rested on this plea for annulling [the sentence,] properly maintaining that the simple denial of a dogma is not a malevolent expression, and that if the contrary be established by jurisprudence, then no other religion will be tolerated in Greece, because every religion, considering itself as the absolute truth, denies and rejects the dogmas of others. "It would be violating the liberty of worship," says the Duke de Broglie, "to interdict to such or such a religion the right to launch an anathema against every other, and to proclaim itself exclusively the truth."—Chassan, des délèts de la parole, tome 1, page 276.

What answer to this reason does the areopagus give? *That, as the criminal court of Athens, having in its sovereign authority, weighed the actual facts, was persuaded that they constitute the crime provided against by article* 17, *the areopagus cannot interfere in the investigation of those facts;* and this reasoning would be correct if the criminal court had alleged that the denial of the dogmas of the eastern religion by you was accompanied by malevolent expressions against this religion; but when the criminal court considers as a malevolent expression simply the expression of nonacceptance of those dogmas by Jonas King, who belongs to another Christian religion, then the criminal court fabricates as a crime an act not punishable by the law, and the areopagus, without interfering in the investigation of actual facts, had the power to annul a decision which established such an absurd principal, and belies that axiom which our lawgivers understood as being in force with us. "One may say that, at the present day, the liberty of discussion and of criticism in *religious* matters is inviolable.—Chassan, ibid, page 282.

We salute you.

Mr. Marsh to Mr. Webster.

GLEICHENBERG, *October* 9, 1852.

SIR: I have the honor to enclose herewith the report referred to in my dispatch of the 4th instant. I intended to have attached to it a copy *of the anathema of the synod* against Dr. King, and his books

noticed in the report, but by some accident I omitted to put it with the papers selected to accompany the report. I have written to Dr. King to supply the omission.

I regret that I am unable to send fairer copies of the report and the accompanying documents, but the state of my eyes puts it quite out of my power to make them, and I have no person within reach whom I can employ for that purpose.

I am, sir, with the highest respect, your obedient servant,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER,
Secretary of State.

ATHENS, *August* 21, 1852.

SIR: Under that branch of my special instructions, bearing date April 29, 1852, which requires me to "ascertain whether the late trial of Dr. King was for any offence, as alleged, against the laws of Greece, and whether it was conducted in all respects in a fair and legal mode; and also to what extent religious toleration is allowed and public preaching permitted by law or usage among those who do not belong to the established church; and also all other circumstances that may throw light on the subject, and enable the department to give further instructions," I have the honor to submit the following report:

In the year 1828 the Rev. Jonas King, of Massachusetts, a citizen of the United States, visited Greece as an agent of one of the associations formed in America for the relief of the Greeks from the destitution and misery in which they were involved, in consequence of their efforts to throw off the Turkish yoke and establish an independent government. For this object Dr. King was intrusted with funds and supplies to a large amount, and devoted himself to the distribution of them, and to the general duties of his agency, with a zeal, assiduity, intelligence, and disinterestedness which not only gave entire satisfaction to his employers, but, according to testimonials from the highest sources, entitled him to the respect and lasting gratitude of the people and government of Greece.

In this capacity he continued to act as long as his services were needed, and, after remaining about two years in Greece, he entered into, and has ever since continued in, the employment of the American Board of Commissioners of Foreign Missions as a Protestant missionary. He now engaged in preaching, in establishing and superintending schools for general education, and in preparing books of literary, scientific, moral and religious instruction.

In the prosecution of these labors he disclaimed proselytism as an object, and, in fact, made few or no converts to his own denominational views; but it is believed that his efforts, so far as regarded their general scope—the diffusion, namely, of general knowledge, and of those principles of religious and moral doctrine which are professed alike by all Christian sects—were successful, and were for many years regarded *by both the government* and the people as useful to Greece and honorable to himself.

From the declaration of the independence of Greece to the accession of king Otho, in 1832, and, of course, during the first four years of Dr. King's residence there, that country was governed under the provisory constitution of Epidaurus and the revisions of Astros and Troezene. The provisory constitution, which bears date January 1, (13,) 1822, declares:

CHAPTER I.

"Article 1. The orthodox religion of the eastern (Greek) church is the religion of the State; nevertheless, all sects are tolerated, and every one professes freely his own religion."

CHAPTER II.

"Article 4. Every foreigner having, for the time being, his domicil in Greece, enjoys there the same civil rights as the Greeks."

The revised constitution of Astros embodies the article first above cited in the same words. It adopts the fourth article of chapter II, omitting the words "for the time being;" and it provides, section 2, chapter II, section 8:

"The Greeks have the right of publishing and printing their opinions, conforming to the conditions following:

"1st. They shall not write against the Christian religion;

"2d. They shall not depart from the generally recognized principles of morality;

"3d. They shall abstain from all personal abuse."

The constitution of Troezene provides:

"Article 1. Every one in Greece professes his own religion freely, and obtains for his worship (or sect) the same protection; but the orthodox religion of the eastern church is the religion of the State."

CHAPTER III.

"Article 9. Every foreigner who comes to fix in Greece his residence or his domicil is equal to the Greeks in the eye of the municipal law.

"Article 26. The Greeks have the right of writing, and of publishing by the press or otherwise, their ideas and their opinions, conforming to the following conditions:

"1st. Of not attacking the principles of the Christian religion;

"2d. Of not departing from the generally received principles of morality and decency;

"3d. Of abstaining from all personal calumny and abuse."

Thus far, it will be observed, the fullest freedom of opinion of speech, and of the press, was secured, and although the Greek church was recognized as the nominal religion of the State, yet neither its dogmas nor those of any *other church* were under the protection of the law; *and any resident of Greece, native* or stranger, might, orally or

through the press, attack, without any other restraint than those of decency and proper respect for the sacredness of private character, its peculiar tenets, its rites, its traditions, and its authoritative standards of faith.

Such was the state of law in Greece, in respect to the liberty of conscience and of speech, when England, France, and Russia determined to interfere in the struggle between Turkey and Greece, and to secure at first the virtual, and finally, also, the avowed and complete, deliverance of the latter country from Turkish rule; and these great powers wisely resolved to guaranty to all the inhabitants of Greece the continued enjoyment of the liberal and enlightened principles of religious liberty which Greece herself had solemnly adopted and proclaimed to the world.

It is known to all familiar with the history of the relations between the Christian powers of Europe and the Ottoman Porte, that France has, for several centuries, claimed and exercised certain rights of patronage and protection in behalf of Catholic Christianity in the east. When Greece ceased to be a province of a Mohammedan empire, and became a Christian State, France resigned those rights as to the territory of the new commonwealth; but insisted that the Catholic population of Greece should be protected in the possession of their church property and the enjoyment of their religious liberties, by special guarantees on the part of the allied powers. The justice of this demand was recognized, and by protocol No. 3, of the conference of the 3d of February, 1830, a copy of which is hereto annexed and marked A, (p. 66,) the allied powers entered into stipulations providing for the free exercise of the Catholic religion in Greece; and further, with a view "of preserving that country from the evils which the rivalry of sects or religions professed there, might produce," agreed that "all the subjects of the new States, whatever might be their religion, should be admissible to all public offices, functions, and honors, and treated on the footing of an entire equality, without regard to difference of faith, in all their religious, civil, and political relations."

It having been suggested that the terms of these stipulations would prevent the government of Greece from recognizing the Greek church as the religion of the State, and especially that they were objectionable to the Greeks, as securing to Mussulmans who might choose to remain in Greece a complete equality of political, civil, and religious rights; these provisions in favor of universal religious liberty and equality were modified by a subsequent protocol, (No. 33, of the conference of July 1, 1830,) a copy of which, so far as is material to the present inquiry, is annexed and marked B, (p. 68.)

Although this latter protocol may be perhaps considered as excluding Mohammedans, Jews, and other non-Christian sects from the full benefits of the guarantees of the former, as it respects *civil* and *political* equality, and declares that the rights and privileges granted to the *Catholics* are not to be construed as "imposing on the Greek government any obligations which can turn to the prejudice of the dominant church," yet it still recognizes the principle of complete security for all *Christian sects,* without distinction, and the same absolute equality of rights which *the former protocol* had guaranteed to those who profess them.

By various authoritative documents, at periods preceding and following the invitation of Prince Otho, of Bavaria, to assume the crown of Greece, a constitutional form of government was promised; but the allied powers did not limit the royal authority, nor was any constitution promulgated until certain popular movements in 1843 compelled the government to take the necessary measures for the preparation of a constitution, and a constitution was, in fact, drawn up, adopted, and sworn, in March, 1844.

In the meantime, the original constitutions had never been annulled, or their binding force authoritatively denied, and though perhaps it may be considered as an open question, it is known that many, perhaps most, of the ablest Greek and European jurists hold that those constitutions, so far as their provisions were reconcilable with a monarchical form of government, remained in full virtue after the accession of King Otho, and until they were superseded by that of 1844.

But, however this may be, it cannot be denied that the recognition of religious freedom and equality, by the protocols already cited, is one of the series of guaranties to which the three great powers pledged themselves, and it is, of course, one of the irrevocable conditions which accompanied the establishment of Greece as an independent State, the offer of the crown to Otho of Bavaria, its acceptance by that prince, and his acknowledgment by Greece as her lawful sovereign.

The obligations entered into by the several parties to the arrangement which erected Greece into a sovereign State, and elevated Prince Otho to its throne, are believed to form a compact, which, by the principles of public law, is binding alike upon the powers which adopted, and the king and nation that accepted them.

It is not within the province of the undersigned to suggest any considerations in respect to the extent to which these stipulations may bind the allied powers to interpose, upon the demand of the United States, in maintenance of the religious liberties of American citizens resident in Greece, and by her laws placed in this respect on the same footing as her own subjects; but it is evident that these guarantees are, in letter and in spirit, of paramount force to any subsequent royal ordinance, constitutional provision, or legislative enactment of Greece, and though they were not appealed to upon the trial of Dr. King, nor have, so far as the undersigned is advised, ever before been cited in reference to the question under consideration, yet it is conceived that they will be found to have an important bearing upon it.

By a royal ordinance of 18th, (30th,) December, 1853, a general penal code, many of the provisions of which were borrowed from the French codes, was adopted. Among those provisions so borrowed were several by which reviling and malevolently assailing the doctrines, rites, or customs of *any* religious sect, as also the expression of opinions or principles repugnant to the grounds of religion and morality in general, are forbidden, and made punishable offences.

At a subsequent period, not precisely known, (the date of the ordinance about to be cited not being given in the edition of 1844,) but before the adoption of the constitution, a royal ordinance was promulgated repealing the provisions above referred to, and enacting a new law, *entitled "An act concerning* reviling in general, and concerning

the press." The 17th section of the new act, under which Dr. King was convicted, is, so far as it defines the particular offence of which he was adjudged guilty, identical in terms with the law previously in force, and it remains a translation, not indeed strictly literal, but as nearly so as the structure of the two languages would well admit, of the corresponding provisions of the French code. This is a fact of some importance in reference to the construction of the law, because in adopting a foreign statute the legislator must be supposed to have had in view the known and settled construction and interpretation of the law adopted. A translation of the article in question, and of the 18th article of the same law, together with the original of the section of the French code corresponding to that on which Dr. King was finally convicted, (17,) is given in the paper annexed, marked C, (p. 69,) and, as the penal code of 1833 was published by authority, in German as well as in Greek, (and, in fact, is understood to have been originally framed in German, the Greek being but a translation,) the sections of that code, (196 and 152,) for which articles 17 and 18 of the present law were substituted, are given in the former language, in the same paper, and the Greek original of all of them is subjoined.

In March, 1844, as before stated, the constitution of Greece now in force was adopted. The provisions of that instrument, immediately bearing on the point now under consideration, are as follows:

"Article 1. The dominant (predominant, or prevailing) religion in Greece is that of the oriental orthodox church of Christ, but every other known religion is tolerated, and its services (or worship) are performed without hindrance, under the protection of the law, proselytism and every other encroachment upon the dominant religion being forbidden."

"Article 10. Every one may publish orally, in writing, and by the press, his thoughts, (sentiments or opinions,) observing the laws of the State."

"Article 103. All laws and ordinances, so far as they are repugnant to the present constitution, are annulled."

Neither the constitution nor the laws make any distinction between the criminal liabilities of citizens and aliens in cases like the present, except that, as will hereafter appear, aliens are in certain cases subject to banishment. And it is proper here to observe that Dr. King has never availed himself of the provisions of the laws of Greece respecting naturalization, nor exercised any political rights in Greece, but considers himself, and is considered by the courts and the government, as an American citizen, and an alien.

It should, moreover, be observed, that at the time of the commission of the alleged offence and of his trial he was vice consul and acting consul of the United States, and had been recognized as such by both the American and Greek governments.

It will be remembered that protocol No. 33 of the conference of July 1, 1830, (B, p. 68,) styles the Greek church "the dominant church," and that the constitution in force before the accession of King Otho, and that adopted afterwards, all recognized the religion of the Greek church as that of the State, or the dominant (or prevailing) religion; *but neither the protocol* nor the constitutions define the relations be*tween the church and* State, nor does it appear that the Greek church

has any legal supremacy or superiority over other communions in Greece, except that the constitution requires not only the successor to the crown, but, in direct violation of the stipulations, witnessed by protocol No. 3, of February 3, 1830, (A, p. 66,) the regent and the guardian (or tutor) of a minor successor to the crown to be of the Greek faith, and that the laws make various provisions respecting the organization of the synod and its powers, the appointment of ecclesiastical functionaries, &c.

Proselytism is indeed forbidden by the constitution, but I find no legislation previous to or under that provision making proselytism a punishable offence, in either the proselyter or the convert, and by article 6 of the constitution no punishment can be inflicted without a statute imposing it. The extracts from the constitutions, protocols, and legislative enactments above cited and referred to are believed to embrace all the legal provisions of the public and penal laws of Greece which bear upon the question, whether the bare act of publicly "calling the Mother of God simply a woman, and (affirming) that she bare other children, and that the communion—that is, the body and blood of our Lord Jesus Christ—is bread and wine," unaccompanied by any reproachful, insulting, or malignant language, (for this is the crime of which Dr. King was convicted,) is an offence punishable under that law by imprisonment and by banishment from the realm of Greece. I now proceed to the history of the prosecution and trial.

By the 11th section of the ordinance of 1833, entitled "A declaration concerning the independence of the Hellenic church," it is enacted that "whenever it (the synod) is certified that any one is undertaking to disturb the church of the realm by heterodox teaching, by proselytism, or in any other manner, it appeals to the temporal power to apply a remedy to the evil, according to the laws of the state." It having been represented to the synod, in the course of the winter of 1850–'51, that Dr. King was thus disturbing the church, that body presented to the temporal authorities a complaint against him, the substance whereof is recited at the commencement of the paper annexed, and marked D, (p. 74.) Upon this a criminal prosecution was ordered, and an inquest had, before a body called the council of the court of correctional police, the functions of which are analogous to those of the grand jury in the United States and in England, with this difference, that the council ought to have evidence for the defence, as well as in support of the prosecution, and the accused appears, and it is put to plead before it. The witnesses upon the inquest before the council are not sworn, but give a pledge to speak the truth by touching the hand of the presiding officer. The result of the inquest in the present case was, that a bill of indictment or act of accusation was found against Dr. King, and he was sent down for trial at the bar of the court of correctional police. The record of the proceedings before the council, including the bill found, is given in the paper annexed, marked E, (p. 78,) and the testimony of the witnesses, as taken down by the council, and subscribed by the witnesses, will be found in the paper annexed, marked F, (p. 81.) It is proper here to notice that the testimony of these witnesses, afterwards repeated and sworn upon the trial, together with that of Lycurgus and Melidon, *(pp. 136, 137, 138,)* given at the trial, and *recited in the record of the proceedings* on trial, a translation of which

record is hereto annexed, and marked K, (p. 130,) constituted the *entire* evidence in behalf of the prosecution, and that the papers produced and referred to in the testimony of Glimes and Kyriakoulas, were not received in evidence nor allowed to be read either upon the inquest or the trial. It is for this reason that, though referred to in the record, (which by law must embrace the whole evidence,) and though the prosecuting attorney was most improperly allowed to refer to their contents, as well as to much other matter not in proof, upon the trial, they were not furnished by the recording officers upon a demand in behalf of the undersigned for copies of the whole record and evidence.

By the Greek code of criminal procedure the finding of the council upon an inquest is subject to appeal, and upon an appeal the case is heard before the council of the court of appeals, and may then be carried to the areopagus, the highest judicial tribunal of Greece. All these proceedings take place before the trial, and the hearing in both the last-mentioned courts is upon the record of the proceedings of the councils alone.

In the present case, upon the finding of the bill by the council, the respondent appealed to the council of court of appeals, (see G, p. 109,) which sustained the finding, as appears by the record, a translation of which is annexed, and marked H, (p. 113.) The case was then carried up to the areopagus, (see I, p. 118,) which affirmed the judgment of the council of the court of appeals as to the application of the 17th article of the law against reviling, but reversed it as to the application of the 18th article, and the respondent was now finally sent down for trial. A translation of the proceedings before the areopagus is annexed, and marked J, (p. 121.) The trial took place at Athens on the 22d February, (4th March,) 1852. The record of the proceedings on that occasion will be found in the paper before referred to, and marked K, (p. 130,) and the judgment of the court, setting forth the facts, found by it on trial the grounds of conviction, the sentence, and the motion for, and decree of, the banishment of the respondent, in the paper annexed, marked L, (p. 147.)

The case was now again carried up to the court of law in the last resort, the areopagus. In this court the hearing was upon the record of the court below, including the testimony as taken before the council, and the court affirmed the judgment of the court below as regards the general finding of guilty, under the 17th article of the law against reviling, &c., and as to the decree of banishment of the respondent, but reversed it as respects the conviction under the 18th article, and for that cause reduced the term of imprisonment by one day. The record of the proceedings before the areopagus, including the causes of reversal assigned, will be found in the paper annexed, marked M, (p. 158.)

I now proceed to inquire whether these several judgments are warranted by the evidence and the law of Greece thereto applicable. And first, as to the proof of the facts charged in the bill, and found by the court of correctional police.

To borrow the convenient phraseology of another branch of criminal *jurisprudence*, the bill presents a general *charge* of an offence defined *by law, and specifications* of the particular acts alleged to have been

committed by the respondent, and which acts, as is insisted by the prosecutor, make out a case of the offence contemplated and made punishable by law. It is obvious, upon the general principles of criminal law, which must be presumed to govern the action of the courts of Greece, as well as those of other civilized communities, that, under such a bill as this, no proof of any criminal acts, (except mere matter in argumentation affecting only the quantum of punishment to be inflicted,) not specified in the bill, could be legally offered or received, (see judgment of the areopagus, M 3, 4, 5, pp. 167, 168;) that the finding of the court sitting in pays must be limited to the facts so specified; and that both the facts thus specified and those found, must be of such a character as to constitute the offence of which the respondent is accused.

Under the Greek code the right of jury trial is not allowed in prosecutions for offences of the class of which Dr. King was convicted. The court finds the facts, and sets them forth in what is called the recitatory part of its judgment, in the manner of a special verdict, and in an adjudicatory part, pronounces upon the criminality or innocence of the act found, applies the law, and sentences or acquits the prisoner.

For the more convenient examination of the evidence, I have collected, from the depositions of the witnesses, the testimony applicable to each specification, and arranged it under the head to which it belongs, so that it may be seen at once how far any particular fact charged is supported by the proofs. This statement, which embraces the *entire* evidence for the prosecution, will be found in the paper annexed, marked N, (p. 174.) I have also classified and arranged, with reference to the specifications, the facts found by the court of correctional police, and thus the specifications, the evidence, and the finding of the court sitting in pays, or what may be called its special verdict thereon, may be readily compared. This classification is annexed, and marked O, (p. 192.) Although the court finds that the respondent applied the epithet "foolish" to those who held certain doctrines, (1,) (7,) (9,) and that he said that the worship of the holy images was "idolatry," it will be seen, upon an examination of the testimony, that this finding is totally unsustained by proof, and it does not appear that the respondent, on any occasion, used any language implying ill-will or malevolence, or that he ever uttered an opprobrious expression in reference to the doctrines of the Greek church, or those who profess them, except that he called the monks "deserters (rebels, apostates) from the world," and that, on one occasion, he applied a hasty term of reproach to the ignorant and hot-headed youths who had evidently been sent to his house to entrap him; both of which latter facts the court considered immaterial, as they are not charged in the bill, nor embraced either in the specifications or finding of the court.

It is specially noticeable, also, that the only evidence under specification, (3,) except the vague statements of Demides and Poeonides, is the testimony of Demahes, that in reply to a question put by the witness in a *private* conversation, (which certainly does not come within the statute,) the respondent avowed his disbelief of that doctrine of the Greek church; and as to *specification*, (2,) it is evident that the offence thereby *imputed in the denial, not of* the doctrine of *transubstantiation*,

but of the *saving efficacy of the communion*, while the offence found by the court is the denial of transubstantiation. And this is a point not without importance, because the expression of these opinions constitutes the two particular acts (and the only acts) solemnly adjudged to be offences, punishable under the 17th article of the law against reviling.

The court further finds that the respondent, in his teachings, "had no other hearers but the children of the orthodox eastern church." This statement, unimportant indeed in itself, is not only wholly unsupported by the evidence, but it is notoriously contrary to the fact, and there is not a syllable of testimony to sustain the further finding in respect to the respondent's communication with Melidon, or the equally unimportant finding in respect to the hoisting of the American flag. The court, in all probability, drew the proof of these facts, as well as its legal conclusions, from the argument of the attorney general, who, as will appear hereafter, was allowed to indulge at the trial in a latitude of discussion, and in an irregular and oppressive course of proceeding, little creditable either to himself, or to the court which permitted it, in defiance of the objections and remonstrances of the respondent's counsel.

It is doubtless also to the improper influence of this officer, who was probably (erroneously it is to be hoped) regarded by the court, as on this occasion, the authorized expositor of the will of the government, on whose good pleasure the judges of all the Greek courts depend, that we are to ascribe the extraordinary conduct of the court, in disregarding the solemn decision of the areopagus, that no violation of the 18th article of the act was embraced in the specifications of the bill, and in proceeding to convict the respondent under that article, although the areopagus had virtually ordered the bill of indictment to be amended, by striking out the part charging an offence against it, J, (pp. 128, 129.) It is true the court attempts to justify this apparent violation of the law by declaring (p. 154,) that facts coming within the purview of that article, appeared at the trial; but, upon reference to the record, K, (pp. 136, 137, 138,) it will be seen that the only additional evidence was the unimportant hearsay testimony of Lycurgus, and the irrelevant deposition of Melidon, neither of which, (to say nothing of their inadmissibility, according to the decision of the areopagus, M, (p. 158,) for any other purpose than as matter in aggravation,) affords the slightest support to the conclusions of the court.

These unsupported findings of the court, and this *pro tanto* illegal conviction, are indeed not very material as regards the question whether the conviction under article 17 is sustainable; but, they have an important bearing on the inquiry with which I am charged, "whether the trial of Dr. King was conducted, in all respects, in a fair and legal mode," because they characterize unmistakeably both the intelligence and the *animus* of the tribunal which adjudged them.

By the 81st, 92d, and 397th articles of the code of criminal procedure, the judgment of the court must be not only publicly pronounced, but reduced to writing, and the grounds of it distinctly stated; and it would appear that it is not sufficient to set forth simply the facts *found, and then* the general conclusion that the respondent is guilty,

under the provisions of a particular article of the criminal code; but the practice is, and so the word above quoted seems to imply, that the judgment state what particular facts found to have been committed by the respondent, are adjudged by the court to constitute the crime of which he is pronounced guilty. In other words, the court must first find a special verdict reciting the acts proved to have been committed; it must next adjudge that such or such acts do constitute the crime made punishable by such an article of the penal code; and lastly, it must declare the respondent guilty of such crime, and pronounce the appropriate sentence.

In accordance with these requirements of the law, and this practice, the court of correctional police, in its judgment in the case under consideration, L. (pp. 151, 152,) after reciting a number of facts, many of which are totally irrelevant to the matter at issue, proceeds to select (p. 153,) two acts, before found in the recitatory part of the judgment to have been committed by the respondent, namely:

First. The calling the Mother of God simply a woman, and affirming that she bare also other children, and—

Second. Teaching that the communion, that is, the body and blood of our Lord Jesus Christ, is bread and wine; and solemnly to adjudge that the public utterance of these opinions, constitutes the offence of "attacking by malevolent expressions the dogmas, the ordinances, and the customs of the eastern church," in violation of article 17, and of "expressing such principles, opinions and sentiments, as are repugnant in general to the grounds of religion and morals," contrary to article 18 of the penal law.

It is particularly to be noted that, although the court, not only without evidence, but against evidence, had found that the respondent had styled "foolish" and "idolators" those who held certain doctrines, and practised certain observances of the Greek church, yet it does not find that the particular "expressions" adjudged to constitu e the crime of which the respondent was convicted, were accompanied by these, or any other opprobrious or offensive language, and it evidently attaches no importance to the use of those epithets, as a ground of conviction. The court rules that the naked expression of these two heterodox opinions constitutes the offence of "attacking by malevolent expressions the dogmas of the oriental church;" and persons acquainted with the religious opinions of some of the highest personages of the realm, and with the politico-religious relations of Greece, may easily imagine reasons of policy for both the finding of fact and the legal adjudication of the court.

The further adjudication of the court, that "principles, opinions, and sentiments contrary to religion, are the whole of his teaching," is evidently not an additional legal conclusion, but a mere rhetorical flourish by way of aggravation of the crime found to have been perpetrated, and indeed the judgment, so far as it is founded on a violation of article 18th, here contemplated, was reversed by the areopagus. It will be remarked that the particular doctrines of the Greek church, the denial of which is adjudged to be a crime, are not specified in the finding of the facts, or the adjudication thereon, and it may be said that as the Greek church *is the religion of state, the* court, *ex officio*, takes notice of

its doctrines, without proof or formal recital; but as a proper matter of form, they ought to have been distinctly set forth. We have pursued our examination of the evidence, and of the conclusions of the court thereon, to the final judgment of the court of correctional police, and are now to inquire how far that judgment was in accordance with the law of the land. The first question naturally is, what is the true force and meaning of the words "to attack by malevolent expressions," used in the 17th article of the law against reviling.

The word employed to designate the class of offences made punishable by this law, implies *malice*, in both the legal and the common English acceptation of that word, coupled with an injury too, or at least an attempt, to injure the person or character, or wrongfully to wound the self-respect of another, or with a contumelious abuse of things which the law protects against mockery, insult, and profanation, and it is believed that such malice and such wrong doing must be established, in order to sustain a conviction under that law. It has been before observed that the 17th section of the law in question is borrowed from an article in the French code, enacted at a period (1822) when the tendency of French legislation was rather to restrict than to enlarge the liberty of opinion, of speech, and of the press. The Greek phrase corresponds very nearly to the verb outrager, (it is a *species*, of which outrager is the *genus*,) as used in the French law C, (p. 69,) and is perfectly well expressed in the German version of the penal code, published by the government at Athens, as of equal authority with the Greek text, (and in fact, as before observed, it was the original, the Greek being a translation from it,) by "durch Ausdrucke des Hasses angriefen," (attack by expressions of hatred,) and in English by "attack by malevolent expressions."

It is not pretended that the word, properly translated "malevolent," has, in Greek jurisprudence, any technical signification restrictive of its common meaning, which is, as nearly as possible, equivalent to that of "malevolent," and it unquestionably implies malice, hatred, ill-will, a morally culpable state of feeling towards the object, concerning which, or the person to whom the expressions deemed by the law criminal, are uttered. The French law is at least as comprehensive as that under consideration; but the Duke de Broglie held that the article of the French code, already cited, would not bear the interpretation given by the court to the corresponding enactment of the Greek law, because "it would be violating the liberty of worship to interdict to this or that religion the right to launch an anathema against every other, and to proclaim itself exclusively the truth." And the distinguished jurist, Chassan declares that "one may say that at the present day the liberty of discussion and of criticism in religious matters is inviolable."—Chassan des délits de la parole, tome I, pp. 276, 282.

It is worth while here to consider what would be the inevitable consequences of this decision, if it be allowed to stand, to religious liberty in Greece, as it respects other denominations than that to which Dr. King belongs. The penalty imposed by article 17th, of the law under consideration, attaches to any one who assails by malevolent expressions the doctrines, &c., of the Greek church, or of *any other* religion *(or sect) existing* by permission of the government. It is not known

that the government gives formal permission to any other sect to celebrate its worship in Greece; but no such permission is necessary, because the right to perform its religious rites and observances is secured to all sects, without distinction, by the original constitutions of Greece, the terms of the protocols, and the constitution of 1844, which by the first article decrees this right to extend to "every known religion."

Legal ingenuity might indeed suggest, upon a prosecution for malevolently assailing any "other religion" not proved to have received the formal consent of the government to its existence in Greece, that the act complained of, however contrary to the spirit, both of the law and of the present constitution, did not come within the statute, but it is believed that such a view of the case would be rather specious than solid, inasmuch as the protocols and the constitution put all religions in this respect on a footing of equality, *without* any formal consent of the government, and therefore all must be *equally* protected by the law, or the statute itself must be adjudged void, as contravening these fundamental principles.

The religious sects actually existing, and publicly worshipping in Greece, are, besides the Greek, the Catholic, (king's chapel and many other churches,) the Lutheran, (queen's chapel,) the Episcopalian, (British legation chapel, and at least one other,) the Baptist, and perhaps other christian denominations; and Dr. King, with occasional interruptions from priestly intolerance and popular bigotry, has been "permitted" publicly to preach the doctrines of his religion, the Calvanist Congregational, for more than twenty years; and to these Christian sects may be added the Mahommedans, whose religious liberties are secured, by treaty and by the constitution.

By the decision of the court of correctional police, in law, it is evident that none of these sects can publicly preach its doctrines, or even read and expound its own creed and liturgy; and the court in its blind zeal to serve the cause of Greek intolerance, has solemnly sanctioned principles, the influential application of which would render the public exercise of the religious worship of *any* sect impossible. By the decision in law, the Catholic cannot publicly express his opinion upon the procession of the holy spirit, declare that baptism by immersion is not indispensable, defend communion in one kind, advocate the supremacy of the Pope, or maintain the validity of the decrees of the general councils of Catholic christianity, held since the separation of the eastern and western churches; because, by so doing, he would utter "malevolent expressions" against the doctrines, the ordinances, and the customs of the oriental church; the Lutheran cannot expound his views of consubstantiation, or any of the characteristic opinions of his church; the Episcopalian cannot publicly use those portions of his liturgy and other services which declare that the holy spirit proceeded "from the father and the son," and still less can he recite that article of his church which condemns "the *idolatrous* sacrifice of the mass;" no Protestant can read and expound the text, "Woman! what have I to do with thee?" or the numerous passages of scripture which speak of Christ as "the son of the woman," or "born of a woman;" nay, the Greek himself cannot maintain the very *dogmas, the* denial of which is adjudged to be a *crime, and still less can he fulminate* the anathemas which his

own euchologion, (breviary,) as a part of the regular service of his church, launches against all who dispute or doubt the doctrines of his religion.

Such illustrations of the absurd consequences which must follow from this decision might be multiplied in infinitum.

No religious teacher can maintain, or even explain his faith, without more or less directly denying and attacking the doctrines opposed to his own; and to affirm that "the bare calling of the Virgin Mary a woman, or denying the doctrine of transubstantiation," is a crime under the 17th article of the law against reviling, is not only a palpable misconstruction of the law, but a wretched mockery of the plainest principles of common sense.

Nor has such ever been the practical construction of the law. It is notorious that all the sects above named perform their public worship, and maintain their own religious views, without reserve or restraint. The Catholics, particularly, are open and bold in the preaching of their own faith, and in the condemnation of religious opinions adverse to their own; and, though there is no reason to believe that they exceed the bounds of a proper and decent freedom of discussion, yet it is well known that they do not hesitate to argue the sorest points of difference between themselves and the Greeks with all the openness which a due regard for decorum would permit, in those countries where there is the largest liberty of speech. They have thus incurred the bitter enmity of the Greek clergy, and the Age, the organ of the clerical party in Greece, is clamorous in its denunciations of the arrogance which practices, and the tolerance which permits, this system of attack upon the standards of the oriental faith.

But, though these facts are notorious and grievously offensive to the priesthood and the more bigoted laity of the Greek church, no criminal prosecution of the European teachers of other creeds was ever dreamed of, and this, no doubt, for the reason that they are well understood to enjoy a foreign protection, against which the utmost malice of religious intolerance, however aided by the subserviency of judicial tribunals, would struggle in vain.

With the exception of the various attempts to subject Dr. King to legal prosecution, I have heard of but a single instance of a criminal prosecution for an offence against religion.

I am not precisely informed respecting the details of the case, but, s stated to me, it is substantially this. An ecclesiastic of the Greek religion embraced Catholicism, in one of the Hellenic islands, and openly denied the doctrines of the Greek creed, at variance with the faith he had now adopted. He was arrested, and criminal proceedings commenced against him; but upon a representation of the British minister, upon the ground, among others, that he was an Ionian, and of course entitled to the privileges of a British subject, the prosecution was abandoned, and the culprit set at liberty.

It is evident that the nationality of the offender, (the alleged crime having been committed in the Greek territory,) no more exempted him from punishment than the like plea ought to avail Dr. King, and he *was released, not* because of his innocence, but because his condemnation, *at the risk of* a rupture with Great Britain and the Catholic powers

of Europe, was too dangerous an experiment to be at present hazarded. On the other hand, as preaching or other teaching forms no part of the regular services of the Greek church, its ordinary worship does not offer much occasion for the discussion of points of faith; but, as before noticed, its breviary contains anathemas, cursing, with great particularity those who dissent from the leading articles of its belief, to be publicly recited on certain feast days, and it is notorious that the Greek clergy, and especially the public journals devoted to the interests of that church, are loud in their condemnation of all religious opinions at variance with their own, though the fear of European resentment leads them to exercise some caution in respect to the mode of expression. But, with regard to Dr. King and his religious doctrines, there has been no such forced reserve, and both his faith and his known irreproachable character have been publicly assailed, misrepresented, and traduced, by eminent clerical personages and the periodicals under their control, with a reckless disregard of truth, and a shameless indecency, of which, happily, the most licentious American and European journals seldom exhibit examples.

This unbridled license of abuse the conservators of the public peace have not thought it worth while to repress, and the zealous prosecuting officer, whose religious sensibilities, the affirmation of the humanity of the virgin, and the denial of transubstantiation, so sadly shocked, that he thought the perpetrator of such a crime worthy, not merely of the punishment denounced by law against those who malevolently assail the dogmas and the customs of the orthodox oriental church, but even of final exile from virtuous Greece, as a dangerous enemy to the "fundamental grounds of religion and morals in general," found nothing offensive in the public and formal anathematizing, by the Greek synod, of Dr. King, and of the religious opinions common to various sects, which, in more than one American State, count adherents more numerous than the entire population of Greece, or in the libels upon his character, with which the press, controlled by the priesthood, has daily teemed.

In fact, Dr. King and his creed have served as a convenient scape-goat, to bear maledictions, and to hint threats, intended for other teachers and other doctrines, as well as for himself and his faith—or, perhaps as an experiment, to test how far the Greek government would sustain, or foreign powers permit, the encroachments of an ambitious and an intolerant priesthood, upon the guaranties of the independence of Greece, and the solemn sanction of the constitution and laws.

It may seem superfluous further to discuss the legal character of the judgment of the court of correctional police; but the full examination of the case requires some notice of the question, whether, if the construction of the 17th article of the law against reviling, by the court, be deemed correct, the law itself is not to be regarded as annulled by the constitution, if not as a violation of the guaranties witnessed by the protocols already cited.

I shall not dwell on this latter point (the discussion of which belongs rather to the domain *of international law than* to the particular inquiry with *which I am charged) further than to* remark that this construction

is evidently a violation of the spirit and purpose of that compact; a as to the former, I shall confine myself to little more than a refere to the sections of the constitution which appear to me to bear upon question.

The first article of that instrument, quoted at length on page declares "that every known religion is tolerated, and its services p formed without obstruction, under the protection of the laws." T tenth article secures to "every one the right of publishing, 'orally writing, or by the press, his opinions, observing the laws of the State and the hundred and third article annuls "all laws and ordinances, pugnant to this constitution." The Greek religion is almost the o Christian sect, the services of whose worship do not necessarily habitually, include the public preaching and teaching of its doctrin and the framers of the constitution were undoubtedly aware that pledging the government to the protection of the "services" of ot religions, they secured the liberty of the pulpit, as, by an additio article, they provided for the general freedom of speech, and of press. No religious teacher can honestly perform this portion of public "services" of his religion, without occasionally stating, expou ing, and maintaining his own views of Christian doctrine; nor can always avoid doing this in terms which amount to a positive denia the truth of the articles professed by other sects. But by the decis of the court, the affirmation of the humanity of the virgin, or that bread and wine of the communion service do not undergo a miracul transformation, (and consequently the denial of the contrary doctrin though unaccompanied by any expressions of hatred, malice, or ill-w for no such are proved or found in the present case, is, in and of its a "malevolent expression," within the meaning of the 17th article.

It can require no argument, beyond the simple statement of the tire proposition, and of the facts, to which it is applied, to show tha this is the true construction of the law, then the law itself is repugn to the constitution, and, of course, annulled by it. Similar conside tions apply, with equal force, to the tenth article of the constituti The liberty of publishing thoughts, opinions, and sentiments, there secured, is without any other exception, limitation, or condition, tl that of observance of "the laws of the State."

But these laws must be laws in accordance with the spirit of constitution; and were legislation now, for the first time, proposed this subject, it could not be contended that this article had no ot effect than to commit this whole question to the discretion of the le lative branch, and that that branch could enact laws, the effect which would be to take away the liberty of speech, and of the pre altogether. Laws are to be tried by the constitution, not the consti tion controlled, or even expounded, by law. The object of the wh instrument, and more especially of this article, was to enlarge the l erty of the subject, and abridge the powers of the legislative as well of the executive departments; and the proposition that it can be c trolled, or even interpreted, by previously existing laws, except *merely* regards the legal meaning of established technical terms, *that it can be* nullified by legislation, is an inversion of the princip *of legal construction.* The article must be held to have a force a

significance in itself, without aid *ab extra* and the only interpretation that can fairly be given to it, is that by virtue of it all men may freely use the natural liberty of speech, subject only to such legislative restrictions as shall secure the observance of that other universal law, *sic utere tuo ut alienum non laedas.*

Upon these principles, then, the 103d article of the constitution, if it did not annul the 17th article of the act against reviling, at least forbade the construction which the court has given to it. But I proceed with the history of the case.

The judgment of the court in criminal cases is publicly pronounced by the court; it must then be reduced to writing and subscribed by the judges, and as before noticed, their written judgment must, by article 81 of the code of criminal procedure, distinctly set forth its grounds; by article 92, the judges are required to state therein the grounds of their conclusions; and by article 397, it must contain a statement of the "causes" for which it is rendered.

In the present case according to the K, (p. 145,) the judgment pronounced was, that "the said Jonas King was adjudged guilty of having, in the years 1850 and 1851, in public discourse and teaching here, attacked by malevolent expressions, the doctrines, ordinances, and the customs of the eastern orthodox church, and expressed principles, opinions, and sentiments, repugnant in general to the grounds of religion and injurious thereto."

The written judgment prepared and filed, in obedience to the requirements of the law, contains the facts found by the court, L, (p. 152,) the adjudication that the affirmation of the humanity of the virgin, and the denial of transubstantiation, are "malevolent expressions," contrary to the form, force, and effect of the statute, (p. 153,) and the conclusion (pp. 154, 155) of the guilt of the respondent, in the same words as before cited.

This judgment was signed by the justices, and it will be observed that it is thus far nowhere found as a fact, or adjudged, or, so far as it appears, contended by the attorney general that the respondent was "by his manner of life, his character, and his conduct, pre-eminently dangerous to the common safety and to morals."

But "after the publication of this judgment," the attorney general moved that the respondent be sentenced to imprisonment, the costs of the trial, and to exile from the Greek State, and he cited, in support of the latter branch of this motion, article 34 of the penal code, which provides that persons convicted of the class of offences charged against Dr. King, shall be "subjected by judicial sentence to the special surveillance of the police, for a period of from two to ten years," "whenever such persons by their mode of life, their character, and their conduct, would be pre-eminently dangerous to the common safety, and to morals," and article 37 of the same code, which declares that "in all cases where *citizens* are liable to such surveillance, *aliens* shall be banished from the country and transported beyond the boundaries."

The motion for the exile of the respondent was resisted by his counsel, on the obvious ground that no facts were proved or found to bring him within the purview of *the 34th article*, and that the judgment already *pronounced and entered of record* not having adjudged him to be

a person dangerous to the common safety and to morals, it was now too late to move his banishment, but the court overruled the exception, and allowed the motion, first pronouncing a new adjudication, (p. 157,) that the respondent "inveighing so scandalously against the orthodox eastern religion, its canons, traditions, and customs is, in behavior and conduct, pre-eminently dangerous to morals, which are the basis of the Gospel and of this eastern religion," and therefore sentences him to imprisonment and exile. It is observable that this new and distinct adjudication is founded on a totally different state of facts from the general conviction, and that the respondent is not adjudged "dangerous to morals" because of the "malevolent expressions" of which he had been found guilty under the 17th and 18th articles, but because he had "inveighed against the eastern church, its canons, traditions, and customs;" a charge not sustained by specific proof, nor embraced in the facts found by the court. The 37th article above referred to does not, in terms, or by any obvious implication, make the banishment of aliens in the case supposed perpetual, nor does it contain any provisions in regard to its duration.

Upon general principles it should seem that it should be ordered, by the sentence, for some fixed period, within the time of duration specified by article 34, for surveillance in the case of citizens, and if this be so, the sentence is so far evidently void for want of limitation of time. But this point does not appear to have been taken by the counsel for the defence, and is therefore perhaps less important than it would otherwise seem.

It would be a trifling with common sense to spend time in arguing against so absurd a decision as that of the court on the point we are considering. It is apparently irregular, as being out of time, it is evidently totally unsupported by any facts proved or found by the court, and it is at the same time wantonly and barbarously oppressive.

Before leaving for the present the proceedings of the court below, it is proper to notice that in point of fact the "small disturbance" testified to by Glines, (p. 90,) and found by the court as "a scandal among his hearers," was a violent and alarming riot, got up by this Glines and the other witnesses for the prosecution, because Dr. King refused to continue the discussion, and which was suppressed with no small difficulty, (and rather by the fear of the mob of the consequences of attacking the consular residence than by the efforts of the police,) and this was so notorious at Athens that it could not but have been known to every member of the court.

I now proceed with the subsequent history of the case. The code of criminal procedure appears to contemplate a prompt execution of the sentences of criminal courts, but I do not find any express limitation of the time within which they must, in cases like the present, be carried into effect. But as, by the general provisions of the case, proceedings by way of appeal, or exception, or in error, must be filed within five days from the publication of the judgment, and as, in cases where the punishment is imprisonment, no such proceedings can be filed until the imprisonment has commenced, and is duly certified by the jailor, it is *evident that the* prisoner can take no advantage of any cause of reversal

unless he be committed within the term of five days. I refer to these provisions because it has been unjustly and disingenuously said that Dr. King made himself a voluntary martyr, by spontaneously *seeking* an imprisonment which would not otherwise have been inflicted. It is true that he notified the attorney general that he desired to be committed before the expiration of the term of five days, in order that he might avail himself of his just exceptions against the judgment of the court of correctional police, which he could not otherwise do; but it is a gratuitous and wholly unwarranted assumption that the sentence would not have been executed if Dr. King himself had not requested to be committed. It was his belief that the public authorities meant to lull him into security by suspending the execution of the sentence until it was too late for an appeal or other proceedings for reversal, and then to enforce it. It is not true that he had any the slightest reason to expect a pardon or other indulgence in respect to the enforcement of the sentence, and the undersigned has no doubt that it would have been carried into effect with unrelenting rigor had its execution not been first delayed by the proceedings for reversal, and had not apprehensions of the just resentment of his government afterwards induced the public authorities to inflict an imprisonment of little more than a nominal character, and to suspend his transportation beyond the boundaries.

The causes of reversal assigned by Dr. King's counsel on the hearing before the areopagus are numerous; some of them appear to be conclusive, and they are in general at least plausible. They are detailed at length, with the resolutions of the court upon them, in the final judgment of the areopagus, M, (pp. 158, 173;) but as I have already anticipated the argument on the most important of them, I do not deem it necessary to attempt a full discussion of them, and I shall confine my remarks to the second and third exceptions, (pp. 161, 162, and 168.) Among the causes of reversal of a criminal judgment enumerated in article 407 of the court of criminal procedure, "§ 11, the erroneous application or the false construction of the criminal law" and the jurisdiction of the areopagus, which is purely a court of law upon exceptions taken or errors assigned, is the same as that of the higher judicial tribunal of England and the United States in the like case.

If, therefore, it appeared upon the record that the facts found by the court below, and by that court adjudged to constitute an offence made punishable by the penal code, did not in law amount to a crime, it was clearly the duty of the areopagus to reverse the judgment. It is believed to have been already sufficiently shown that the facts found did constitute an offence against the law, and the judgment of the court of correctional police consequently presented a clear and unequivocal case of "the erroneous application and false construction of the criminal law," and of course a proper case for the interference of the areopagus; and the second and third causes of reversal assigned by the respondent's counsel rest expressly upon the ground that such error had been committed, and that it not being a question of fact, the matter came within the jurisdiction of the areopagus.

The court in its judgment evades the exercise of this jurisdiction, and disposes of the whole *question in a single* brief period, expressed with *studied obscurity, throwing the whole* responsibility upon the court

below, and adjudging nothing, except that it could not interfere with the proof of a question of fact—which, certainly, the counsel for the respondent had not asked it to do.

The court says, (p. 168,) "whereas, the court of correctional police, weighing (or considering,) *in its sovereign jurisdiction*, the *actual facts*, resolved (was of opinion) that they do constitute the offence contemplated by the said seventeenth article, (therefore) the areopagus cannot interfere in the proof (establishment, verification) of said facts, inasmuch as the legal character of the act is rightly defined (or expressed.)"

Upon a hasty reading of this resolution it might appear that the court intended to adjudge that the facts found by the court below were rightly characterized by it as an offence, or, in other words, that those facts did constitute an offence against the law; but this is by no means the true construction. *Act* is a term of art in the Greek law. The third article of the code of criminal procedure says: "Crimes, offences, and misdemeanors bear the common appellation of *act;* and in this designation, also, are embraced (offences of) omission."

The meaning, therefore, of this clause is no more than this, that the court below, in pronouncing and recording the conviction of the respondent for "attacking, by malevolent expressions, the doctrines, &c., of the eastern church," used the proper words to designate or describe the offence made punishable by statute.

But upon the question raised by the counsel, whether the words found to have been spoken by the respondent, and adjudged by the court below to be "malevolent expressions" within the meaning of the statute, were or were not an offence against that statute, the court gave no opinion, but sheltered itself under the same subterfuge of which it had availed itself on the appeal from the finding of the bill J, (p. 126,) namely, that the pronouncing upon the legal character of an act is an act of "sovereign jurisdiction" properly belonging to the inferior tribunal, which, sitting in pays, finds the fact; and, consequently, the areopagus refused to entertain cognizance of a cause of reversal expressly provided for by statute, to wit, "an erroneous application or a false construction of the criminal law." This is, in effect, a decision that when an inferior criminal court uses the words of a statute in describing the offence of which it convicts a prisoner, its judgment is irreversible, although it appears of record that the acts charged and found do not constitute an offence against the statute referred to. And, consequently, if, after having found the facts set forth in the recitatory part of this judgment, the court below, in the exercise of its "sovereign jurisdiction," has been "persuaded" that they constituted the crime of treason, or larceny, or burglary, instead of that of "attacking the Greek church by malevolent expressions," and had, accordingly, convicted the respondent of one of these crimes, *using, in "defining the legal character of the act," the words of the statute which make such crime punishable*, the areopagus could not have interfered, and the judgment would have been conclusive, provided, always, the offence of which the respondent was convicted was one which the court was competent to try. This is a perfectly fair *reductio ad absurdum*, and if the present *case be not one* where the areopagus can correct a "false construction *or erroneous* application of the criminal law," then no such case can

be supposed, and the provision to that effect is a nullity. It is for the determination of exactly such questions as this that the areopagus is instituted. The evidence is made part of the record, to enable it properly to determine them; and in evading the consideration and decision of the question raised in this case, the highest legal tribunal of Greece has shrunk from the performance of one of its plainest and most obvious duties. The same considerations apply to the argument of the court on the sixth (and seventh) causes of reversal.

I do not deem it necessary to follow the court in its resolutions upon the remaining errors assigned, because I am persuaded that it has been already shown that the judgment of the court of correctional police was fatally erroneous, and that the court of areopagus, in the exercise of its ordinary legal jurisdiction, ought to have reversed the same. It does not fall within my province to inquire how far the decisions of these courts are conclusive in respect to questions affecting the personal rights and liberty of aliens, or to what extent the American government can lawfully interfere to protect a citizen unjustly and illegally condemned by a foreign tribunal; but I may be pardoned for suggesting a doubt, whether the principle of the sacredness of judicial proceedings, regular in mere form, applies with equal force to cases where, as in the present, the judgment involves the construction not only of the statute and common law of the State, but of its constitution, (which may be said to form a chapter in the law of nations,) and also of the formal guaranties of treaties between other foreign powers, affecting the rights of residents within its territory.

I omit also, as foreign to my instructions, all discussion of the questions whether, upon general principles, any government can delegate to an inferior court the exercise of so high and sovereign a prerogative as the expulsion of an alien from its territory, and whether the respondent was entitled to any privileges or exemptions, by reason of his consular quality.

Thus much for the purely legal questions involved in the inquiry intrusted to me. But I am instructed further to ascertain whether Dr. King's trial was "conducted in all respects in a fair and legal mode." I have already given my reasons for thinking that the judgment against Dr. King was illegal; and though, so far as the mere observance of the form and order of proceeding prescribed by the code of criminal procedure is concerned, I am aware of no exceptions not noticed in the various causes of reversal assigned by his counsel, I have been forced to the conclusion that the trial was not fairly or impartially conducted.

On the day before the trial (21st February, 4th March, 1852) a placard was posted up in many public places, and industriously circulated through the city, summoning the "Christ-loving" population of Athens to attend the trial and condemnation of the "notorious false apostle, Jonas King." A translation of this handbill is annexed and marked P., (p. 195.)

In consequence of this, and other like means, a large and highly excited mob, whose most violent and vociferous leaders were priests, and some of the witnesses *against the respondent*, was collected at the trial, and *permitted to insult the respondent* and his counsel, to brow-

beat and overawe his witnesses, and to cheer and encourage the false witnesses for the prosecution. The head of the police endeavored to suppress these riotous proceedings, but the pretended efforts to preserve order and decorum were of so feeble a character as, apparently, rather to stimulate and encourage the rioters than to intimidate and restrain them; and there is no doubt that this display of popular violence did seriously interfere with the free and fair conducting of the trial.

The president of the court evinced throughout a determination to sustain the prosecution and to obstruct the defence; he permitted the attorney general to devote a large part of the time consumed in his argument to reading and commenting upon certain works of religious instruction published in the name of Dr. King, but not offered in evidence, or in any other manner properly before the court, and reproved the counsel for the defence for objecting to this irregularity; and finally, in defiance of the 394th article of the code of criminal procedure, which secures to the "accused and his counsel" the right of concluding the argument, refused to hear the respondent in his own defence.

These facts, and others equally disgraceful to the administration of criminal law in this instance, are established by the testimony of witnesses of undoubted intelligence, impartiality, and integrity, and extracts from written statements by such persons will be found in the paper annexed, and marked Q, (p. 196.)

For the better understanding of some part of these statements, and as a key to the real motives of the prosecution against Dr. King, and of the prosecutions to which he has for a series of years been subjected, it is proper here to remark, that many persons, both in and out of the Greek church, affirm that many opinions, practices, and observances, altogether repugnant to the doctrines and rites of that church in earlier ages, and to the teachings of its acknowledged standard of faith, have crept into its worship and the popular belief of its adherents, and are sustained as true and canonical by most of the clergy.

Upon these points there is no small difference of opinion among the Greeks themselves, and those who believe their church in some degree corrupted declare that their clergy as a body are very ill instructed, and, in fact, almost entirely ignorant of the real doctrines of the fathers of the church, and of other ecclesiastical standards of undisputed authority. The attention of Dr. King having been drawn to the subject long before he visited Greece, he published in America, about thirty years since, and of course before his visit, a volume upon this question.

Some years afterwards he printed another work on the same subject, also in the United States, and in 1845, a third, which was published in Greece. These works consisted mainly, and some of them altogether, I believe, of extracts from the fathers, and other ancient writers of acknowledged authority in the Greek church. For the publication of these a prosecution was commenced against Dr. King; but although the synod formally anathematized him and his works, the prosecution was never brought to trial; partly, it is believed, because the public authorities who acted upon the question were men of a more just and enlightened spirit than their present successors, and partly, it is *said, because the* clergy themselves were unwilling to submit their *teachings and their* practices to so hazardous a test as a public con-

parison of them with the standards to which both parties proposed to appeal.

It is to the publication of these works, and not to the preaching of Dr. King, as I am fully persuaded, that both his persecutions and his prosecution are to be ascribed. The accusation of "malevolent expressions" in public teaching is but a pretext, and though many attempts have been made to entrap and provoke him into some unguarded language which might render him criminally liable, it is his books which have been used to make him odious to the populace, his books on which the prosecution relied to procure his conviction. These are the volumes referred to in paper Q, (p. 196,) as having been cited and commented upon by the attorney general in his argument, though the bill of indictment does not charge Dr. King with their publication, nor were they offered in evidence upon the trial, or in any manner proved or admitted to have been published by him.

In fairness to the court it ought to be stated that hearsay testimony does not appear to be inadmissible, even in criminal cases, by the Greek law, and the judge is at liberty to listen to *any* evidence which appears to him to have any tendency whatever, however slight, to prove or disprove the guilt of the accused, and therefore the admission of illegal or merely irrelevant evidence is not, in Greece, erroneous in law, however objectionable it may be as a matter of discretion. At the same time, in Greece, as elsewhere, such evidence must be offered in due time, and before the argument commences, in order that the respondent may rebut it; and moreover it must be pertinent to prove some fact alleged in the bill, and not a distinct offence.

No further "circumstances throwing light on the subject" have come to my knowledge, excepting some facts in relation to former alleged persecutions of Dr. King by the priesthood and the party controlled by it.

The publication of the books above mentioned, the public preaching of Dr. King, and the success of the schools established by him are stated to have excited at first the jealousy, and afterwards the bitter enmity of the ecclesiastics of the Greek church and their most zealous lay adherents, as well as of that political party which makes the "interests of the church" its watchword, and Dr. King has, in consequence, been for years the object not only of various attempts to silence and expel him from the country by legal proceedings, but of frequent public misrepresentations, defamation, and abuse.

Mobs have been repeatedly stirred up against him; and, on one occasion, he was believed to be in such danger of personal violence that he was advised to fly from the country as his only means of safety, and he accordingly retired, for some time, to the interior of Europe. He has been repeatedly denounced by the ecclesiastical authorities; and both he, his doctrines, and his printed works have been publicly and formally anathematized by the synod, with a bitterness of malediction which recalls the darkest period of the gloomiest and most intolerant ages of Christian history.

His teachings and the rites of his worship have been grossly misrepresented, his personal *character traduced*, and every engine that em*bittered hostility could devise has been* put in operation against him.

In these measures the Age, a Greek newspaper printed at Athens—remarkable for its habitual contempt of decency and of truth, and its infuriate malice towards all who do not share the views of the party whose mouth-piece it is; a paper which is the acknowledged exponent of the will, and the avowed organ of expression, of the politico-ecclesiastical party in Greece, as well as of the authorities of the church—has been the most conspicuous instrument.

I do not deem it necessary to burden this report with extracts from the columns of this sheet, and I will cite but a single exemplification of the system of persecution to which Dr. King has been subjected by this journal and its abettors.

In 1847, a swindler, named Simonides, notorious throughout Turkey, Russia, and Greece as an impostor, counterfeiter, and cheat, published in the columns of the Age a description of certain pretended "orgies" which he had witnessed at Dr. King's house as religious ceremonies performed by him.

Simonides was well known as a special protegé, favorite, and instrument of the clerical party; and the truth of his statements, monstrously and palpably false as they were, were solemnly averred by the Age and by the great body of the Greek clergy, and Dr. King was in no small danger of personal violence in consequence of the popular excitement which these disclosures and the comments of his enemies upon them produced.

There is no doubt that some of those who were active in the propagation of these slanders were convinced of their truth; and the confident asseverations of distinguished ecclesiastics imposed even upon some persons of character and intelligence, whose personal knowledge of Dr. King and of the malice of his enemies, as well as the evident absurdity of the whole fable, ought to have taught them better things; but there can be no doubt that this libel was assiduously circulated and maintained by many persons eminent in the Greek church, and conspicuous in the political party identified with it, with a full knowledge of its absolute falsehood.

At present no man would be bold enough to deny the utter and complete groundlessness of the whole story; but no formal or public recantation or contradiction of the slander has ever been made by those who originated and put it in circulation, or any atonement or satisfaction offered to Dr. King. A translation of a part of this statement of Simonides is annexed and marked R, (p. 203.)

The foregoing account of the trial and persecutions of Dr. King may serve to characterize the treatment which he has received at the hands of the legal tribunals and of the clerical party of Greece, but it embraces but a small portion of the illegal annoyances to which he has been subjected during his long residence in that country.

It justice to the government, it ought to be said that it has frequently exerted its authority in protecting Dr. King from personal violence; nor is there any evidence that it has ever encouraged his assailants in any of the various modes of attack adopted against him, or that the late prosecution was commenced by its order, or in accordance with its *wishes; but the* undersigned regrets to say that, so far as he is in*formed, it has not* expressed any disapprobation of the prosecution it-

self, or of the extraordinary manner in which it was conducted; and Dr. King complains that the judges selected to compose the court before which he was tried were, in great part, persons unworthy of public confidence, and notorious for obsequious devotion to influences hostile to him. The sounder portion of the Greek press, and, it is thought, of the Greek people, and especially of the Greek bar, including very many eminent persons by no means well disposed to Dr. King personally, or approving his course as a public teacher, is nearly unanimous, not only in condemning the course of persecution which his opponents have so long pursued, but the belief that his conviction was both unjust and illegal; and the undersigned has little doubt that his pardon, and the disgrace of the court which condemned him, would be acceptable to all that part of the Greek public, and of the legal profession, whose opinions are entitled to respect and confidence as those of enlightened men and jurists.

On the other hand, while Dr. King and his friends declare that his public preaching has been confined to the simple exposition and maintenance of his own views, without attempts at proselytism, or indecorous attacks upon the creed of the Greek church, and that the volumes which have excited such unsparing enmity against him, are fair, full, and true representations of the doctrines of the standard authorities of the Greek church itself, it is alleged by his opponents, that his own imprudent and ill-judged exhibitions of hostility to the State religion of the country, the protection of whose laws he claims, have given just cause for the jealousy and ill will with which he is regarded by the adherents of the Greek church; that he habitually assails, both in public and in private discourse, the faith, and the objects most sacred in the eyes of its followers; that he covertly aims at proselytism, and that his printed works consist of garbled and disjointed extracts from the writings, and distorted views of the teachings, of the most revered authorities of the oriental church.

Of the truth of these charges I have seen no proof, but the meagre evidence which the record of the trial presents, as the result of months of preparation by synods, and schoolboys, nor, indeed, upon a mere *ex-parte* enquiry, could such evidence be expected to present itself, and I have not thought it incumbent upon me to study the works published by Dr. King, and pronounce upon their theological character, for the reason that the bill of indictment does not charge their publication as an offence, and I have supposed that all such inquiries, as well as any examination of questions of mere discretion or prudence, in the exercise of his clerical functions, were excluded by instructions which seem to confine my duties to the investigation of his purely legal rights, as an American citizen resident in Greece.

So far as the conduct of the Greek government, with respect to the late prosecution is concerned, it has been said that the public authorities doubted their own power to protect Dr. King from popular violence, by direct interference, and that it was thought, for this reason, expedient to suffer the prosecution to proceed to a conviction, which might appease public indignation, and then, without a formal pardon, to suspend the execution of the *sentence indefinitely*, unless some new imprudence on *the part of the accused should compel* them to carry it into effect.

I am far from insinuating that the Greek government itself has ever given currency to such views, and as, on the one hand, there is no evidence that it was instrumental in stimulating the prosecution, so, on the other, the confident assertions of some, that Dr. King would never have been committed but upon his own motion, and that no intention was entertained of enforcing the sentence of exile, is, to the best of my information, totally without authority, or probable ground of belief.

Such are the results to which I have arrived upon an *ex-parte* inquiry, conducted wholly without the assistance of Greek jurists, and with no other legal aids than such as are furnished by the record of the proceedings and the printed volumes of the laws of Greece.

I am abundantly aware that they may be modified by facts proved, or legal considerations suggested, in behalf of the prosecution, as by circumstances that may be made to appear in justification of the motives, and in palliation of the conduct of Dr. King's assailants, but, so far as I am able to judge upon a somewhat laborious examination of the law and the facts within my reach, I think myself warranted in concluding that the late trial of Dr. King was *not* "for any offence against the laws of Greece;" that it was *not* "conducted in a fair and legal mode;" that, "by law and usage," the fullest religious toleration, including public worship and public preaching, is secured, and in practice allowed to, and of right enjoyed by, all Christian sects and teachers, who do not openly receive proselytes from the Greek church, with the single exception of Dr. King—and it is further my full conviction, that no prosecution of any subject of the great European powers for such offences as are embraced in the specifications of the bill of indictment against Dr. King, would, or ought to, have been allowed by the Greek government, or suffered by those powers.

All which is respectfully submitted,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER, *Secretary of State.*

A.

Protocol, No. 3, of the conference held at the Foreign Office, the 3d of February, 1830.

Present: The plenipotentiaries of Great Britain, France and Russia.

Prince Leopold of Saxe Coburg, having been called, by the united suffrages of the three courts of the alliance, to the sovereignty of Greece, the French plenipotentiary has called the attention of the conference to the particular position in which his government finds itself, with relation to a part of the Greek population.

He has represented that, for several centuries, France has exercised in favor of the Catholics subject to the sultan a special patronage, which his most Christian majesty thinks he ought now to deposit in the hands of the future sovereign of Greece, so far as concerns the provinces which are to comprise the new States; but in resigning this prerogative, his most Christian majesty owes it to himself, and to a population which

has so long lived under the protection of his ancestors, to demand that the Catholics of the continent and the islands shall find, in the organization to be given to Greece, guaranties sufficient to compensate for the action which France has hitherto exercised in their favor.

The plenipotentiaries of Great Britain and Russia have appreciated the justice of this demand, and it has been agreed that the Catholic religion shall enjoy in the new State the free and public exercise of its worship; that its property shall be secured to it; that the bishops shall be maintained in the integrity of the functions, rights, and privileges which they have enjoyed under the patronage of the king of France; and, in fine, that, according to the same principle, the estates belonging to the old French missions or establishments shall be recognized and respected.

The plenipotentiaries of the three allied courts, desiring further to give to Greece a new proof of the benevolent solicitude of their sovereigns in regard to her, and to preserve that country from the evils which the rivalry of sects (or religions, cultes) professed there might produce, have agreed that all the subjects of the new State, whatever may be their religion, (culte,) shall be eligible to all public offices, functions, and honors, and treated on the footing of an entire equality, without regard to difference of belief, in all their relations, religious, civil, or political.

ABERDEEN.
MONTMORENCY LANE.
LIEVEN.

B.

Extract from Protocol, No. 33, of the conference held at the Foreign Office, on the 1st of July, 1830.

2d. The privileges granted to the Catholics by protocol, No. 3, of the 3d of February, 1830, cannot "impose on the Greek government any obligation which would turn to the prejudice of the dominant church." If the maxims of tolerance which dictated that protocol are applicable to all sects in general, if they offer to them all, without distinction, complete security in the bosom of Greece, the plenipotentiaries think they ought nevertheless to declare that, on the other hand, the intentions and the solicitude of the three courts, expressed in that protocol, with respect to the equality of civil and political rights, refer specially to Christian sects.

C.

Translation of articles 17 *and* 18 *of the statute "concerning reviling in general, and the press," being the law now in force, under which Dr. King was convicted.*

Article 17, (196 of Penal Code of 1833.)—Imprisonment for a term not exceeding three months, and, upon a second conviction, for a term not exceeding six months, *is inflicted* upon him who, in public discourse, *by writing, or by symbolical* representations, attacks, by

contemptuous mockery, or malevolent expressions, the dogmas, the ordinances and the customs of the oriental church, or other religion existing with the consent of the government.

Article 18. (152 of Penal Code, of 1833.)—Whoever, by public discourse, teaching, writing, or symbolical representation, expresses himself to the scandal of others, in a manner derogatory to the reverence due to the Creator of the universe; whoever expresses such principles, opinions, or sentiments as are repugnant in general to the grounds of religion and morals, or are otherwise injurious to religion or to morality; whoever attempts to justify acts characterized as offences or crimes, by the law, is condemned to imprisonment for a term not exceeding three months, and, upon a second conviction, is punished with an imprisonment not exceeding six months.

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Articles from the French code, of which the above cited article 17 *was borrowed.—Loi du* 17 *Mai*, 1819.

Article 1. Quiconque soit par des discours, des cris ou menaces proférés dans des lieux ou réunions publics, soit par des écrits, des imprimis, des dessins, des gravures, des peintures ou emblemes vendus ou distribués mis en vente ou exposé dans des lieux ou réunions public, soit par des placards et affiches exposés aux regards du public, aura, etc., etc.

Loi du 25 Mars, 1822.—Quiconque *par l'un desmoyens énoncés en l'article premier de la loi du* 17 *Mai*, 1819, aura *outragé* ou tourné en dérision la religion de l'Etat, sera puni d'un imprisonment de trois mois à cing ans et d'un amende de trois cents francs á six mille francs.

Les mêmes peines seront prononçees contre quiconque aura *outragé* ou tourné en dérision toute autre religion dont l'établissement est légalement reconnu en France.

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Original German of articles 196 *and* 152 *of the penal code of* 1833, *corresponding to articles* 17 *and* 18 *of the present statute against reviling, &c.*

Artikel 196, (17 of the present law.) Gefängniss-Strafe bis zu 3 beim Rückfalle aber bis zu 6 Monaten, trifft denjenigen, welcher in öffentlicher Rede, oder in einer Schrift, die Lehren, Einrichtungen und Gebräuche einer mit Genehmigung der Staats-Regierung bestehenden Religions-Gesellschaft durch Ausdrücke der Verachtung, des Spottes, oder des Hasses angreift.

Artikel 152, (18 of the present law.) Wer durch öffentliche Rede, Lehre, Schrift oder bildliche Darstellung solche Grundsätze, Meinungen oder Gesinnungen ausspricht welche wider die Grundlagen der Religion- und Sittenlehre überhaupt gerichtet, oder sonst für Religion oder Sitten von gemeinverderblicher Beschaffenheit sind; wer sich öffentlich zum Aergernisse anderer auf eine die Ehrfurcht gegen das *höchste Wesen* beleidigende Weise äussert ist mit Gefängniss bis zu *3 beim Rückfalle* aber bis zu 6 Monaten zu bestrafen.

D.

f the complaint of the Synod of Greece, and motion of the General thereon, before the Court of Correctional Police, that a be found against Dr. King.

y synod of the kingdom of Greece being informed that the nissionary, Jonas King, here resident, having returned from here he had taken refuge, flying from this place on account rodox teaching and proselytism he had practised, and of the osecution which he was consequently about to undergo, by ie law,) has again begun to persevere in teaching publicly, e, dogmas, principles, and opinions altogether repugnant to s of our holy religion, and which fatally assail the mysteries, nd the customs of the orthodox oriental church of Christ, form, complained against him, and prayed his prosecution ment, for that his behavior here in Athens is become scan- l so forth.

nplaint aforesaid, and divers other written papers from the l, the ministry of religion and instruction, and the adminis- ce of Athens and the Piræus, all touching the said hetero- g of the aforesaid American missionary, Jonas King, coming vledge of the attorney general, it was ordered that a regular had, from the result whereof it appears:

said Jonas King, an American missionary, being here at es continue, from the year past, hitherto, to teach, in his own se, publicly, and in the hearing of all such as come thither, ourse concerning religious opinions, uttering, to the scandal opinions, principles, and sentiments repugnant to the grounds religion, and of the orthodox oriental church of Christ, and ernicious influence thereon, inveighing against the orthodox that they worship the Deity in an erroneous manner, and nd blaspheming the dogmas of our immaculate faith, and the nd the customs, and whatsoever is honorable and revered in x church, as that of transubstantiation, and so forth, wrongly the divine and holy scriptures, and reviling its mysteries es, that of divine baptism, and others; and particularly he es as idolatry the worship (or adoration) of our most holy God and ever-virgin Mary, and of the saints, regarding the ever-virgin and mother of God, and the others as mere men. nner he calls the holy fathers of the church heretics and and does not receive the sacred councils, and the things y them in matters of religion, and delivered by tradition to rthodox Christians; and by reason of this, his heterodox he is become a scandal in Athens, provoking a riot in his certain day, at the hour of his teaching.

o proselytism effected by the same, there appeared indeed, quest, to be some proofs of it; but they were not sufficient, ent, to establish a charge against him.

used being interrogated, and defending himself, did not deny g he practises, *but affirmed* that he teaches rightly what- *nks and believes as such.*

But inasmuch as the punishable act of heterodox preaching, now under consideration, committed by the said accused, Jonas King, is provided against and made punishable, by the 17th and 18th articles of the law concerning reviling, and so forth, therefore, we move that this council do decree, that there exists sufficient cause for accusation against him, and that it do send him to the bar of the court of correctional police in this city, to be adjudged guilty, for that, within his house, here situated, during the past and current year, he hath taught every Lord's day, and at divers hours, expounding forsooth the holy and divine scriptures, and sundry other divine passages, wrongly interpreting the same, and uttering opinions, principles, and sentiments repugnant in general to the grounds of our holy religion, and exercising a pernicious influence thereon, and upon the orthodox oriental church of Christ, its mysteries, rites, and customs, contrary to the 17th and 18th articles of the law concerning reviling, and so forth; but do cease for the present, any further proceedings against him on the charge of proselytism.

E.

Record of the proceedings of the Council of Correctional Police, upon the motion D, and upon the hearing on the inquest.

Having heard the attorney general in support of the motion aforesaid, and the said attorney having withdrawn, and this council having perused all the documents touching the process, and having deliberated according to law, and whereas, from the reasons set forth in the motion of the attorney general, which this judicial council finds to be fully supported by the results of the inquest in that behalf had, and by the law, there do appear good and sufficient proofs against the accused, Jonas King, as guilty of heterodox teaching; and considering the 251st article, §4 and 2* of the code of criminal procedure, this council doth allow the above recited motion of the attorney general, and sends to the bar of the court of correctional police the American, Jonas King, to be adjudged guilty; for that, during the past and current year, (by) preaching in his house, here situated, publicly, in the exposition of the holy scriptures:

1st. That baptism is nothing other than a simple symbol, and, consequently, it is indifferent whether one be sprinkled or immersed.

2d. That they that eat a little bread, and drink a little wine, are foolish in thinking that they shall be saved by this communion.

3d. That the most holy mother of God is not ever-virgin.

4th. That they who worship her, as also the other divine images, are idolaters.

5th. That he does not receive the sacred councils, and the things ordained by them in matters of religion, and delivered by tradition to the later orthodox Christians.

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*This article relates merely to the form of procedure.

6th. That the fathers and the saints of the orthodox oriental church of Christ were deceivers, and thereby brought in diverse heresies.

7th. That holy baptism is no other than an external sign for Christians.

8th. That those who observe lent are foolish.

9th. That many deceivers have come into the world, who have brought in many diverse heresies among men, saying, if a man sin, it is good that he give alms to the poor, that God may forgive the sin, and that he pray to certain men, whom they call saints, that they may intercede with God for the forgiveness of sins, and so forth.

He did assail in public discourse, by contemptuous mockery, and malevolent expressions, the dogmas, the ordinances and the customs of the oriental church, and uttered opinions and sentiments repugnant in general, to its fundamental principles, (grounds, bases,) and having a pernicious influence, contrary to the 17th and 18th articles of the law concerning reviling, which provides as follows:

Article 17. Imprisonment for a term not exceeding three months, and upon a second conviction, not exceeding six months, is inflicted upon him who in public discourse in writing, or by symbolical representations, assails, by contemptuous mockery or malevolent expressions, the dogmas, the ordinances, and the customs of the oriental church, or any other religion existing with the consent of the government.

Article 18. Whoever by public discourse, teaching, writing, or symbolical representation, expresses himself, to the scandal of others in a manner derogatory to the reverence due to the Creator of the universe; whoever utters such principles, opinions or sentiments as contravene in general the grounds of religion and morals, or are otherwise pernicious to religion and morals; whoever attempts to justify acts characterized by law as offences or crimes, is condemned to imprisonment for a term not exceeding three months, and upon a second conviction, not exceeding six months. And this council doth surcease, for the present, further inquest or proceedings against him on the charge of proselytism.

F.

Evidence before the Council of Inquest of the Court of Correctional Police.

I.—Testimony of Demetrius Demakes.

At Athens, this 31st of March, 1851, Saturday, in the office of inquest, before me, the examining judge, Cons. Œconomides, the under clerk, Liberopoulus, being also present, the undermentioned witness having appeared, is examined as follows:

Question. What is your name, etc.?

Answer. Demetrius Demakes; I was born at Sitena of Cynowria; I live here; am twenty years of age; a student of the university of the medical school.

Question. Do you know King?

Answer. I know him, *simply.* *(He gave the promise by touching the hand of the examining judge.)*

Question. Do you frequent on Sunday the house of the accused, and how had you occasion to do so?

Answer. Six months ago I lived in the same house with a certain student, Kalopothakes. This person, on Sunday, proposed to me to go to the house of an American, who expounds the gospel very correctly. Although I knew that the American, King, had been formerly exiled from Greece, for heterodox teaching, because he blasphemed against our holy religion, I had some curiosity, and went to be satisfied, from my own observation, of the character of his teaching; hence I began to go frequently, on Sundays, from that time, and until a short time since.

Question. What then did you observe in his teachings?

Answer. During all that period of his teaching, I heard him always inveighing against the sacred images, saying that we should not reverence them, because after his death his fellow-citizens or the Greeks might rank even him with Bazil and Chrysostom; against the fathers, maintaining that the expositions which they gave of the scriptures are not correct, and that God alone can interpret them. He himself, notwithstanding, gave expositions, which he thought correct, and on this account taught them to men; in attacking the holy councils, he said that they were organized by the emperors of these times, not for a religious end, but with a view to their political interests, and that the emperors made use of the confessing priests, in order to learn the spirit and the object of the people. Finally, once in private, when I asked him what were his opinions of the mother of God, he told me (both he and his wife) that we ought not to call her mother of God, and that she did not remain a virgin, because she bare other children also, as he argued from the gospel according to Mark, chap. 6th, 1st verse. He attacked likewise fasting, (saying) that we ought not to fast, because that which we do is but a change of food, and not fasting; and, speaking of the holy communion, he said that the wine and bread are not changed in substance, as we think, into the blood and body of Jesus Christ, and for this reason, a man may, under all circumstances, commune freely. Speaking concerning baptism, he said that we wrongly believe that, by baptism, the sins of men are washed away; and, in general, in his teaching, he perverts the doctrines of our religion.

Question. Does he confine himself simply to this kind of teaching, or does he endeavor to teach perseveringly his own doctrines?

Answer. I think that his object is no other than that of proselytism; otherwise, why this regularity of teaching, on appointed days and hours, in his private house, to persons having no connexion or acquaintance with him? Why the private instructions and teaching on every Thursday, to those most devoted to him, who are John Pæonides, D. Sakellarius, J. Patakes, Michael Kalopothakes, from eight until ten o'clock, p. m.? In respect to this last circumstance, Stanrian's Kentaupes, a student of the first class of the school, can inform you. To me, myself, he said once, when he saw that I frequented his teachings very regularly, and paid attention to them, and showed devotion, that he would recompense me, since, as he observed, I received his words; *and he incited me to communicate his doctrines to others also. He told me, moreover,* that he recompensed also John Pæonides, and

Sakellarius, concerning whom there exists an idea that they are paid by him, and by a certain matriculated student of the university, called Syntichus. I have been informed that John Gongouses, a student of the first class of the gymnasium, is hired.

Question. Do you know anything else relative to the matter in question?

Answer. I know that the said Pæonides, Sakellarius, and Michæl Salopothakes, not only endeavor to persuade (persons) to frequent the teachings of King, but also in the private room of Pæonides, collect together other students, and expound to them the gospel according to King's manner of exposition. At their instigation, I went myself to their teachings, and heard them teach the same doctrine, contrary to religion, as I have mentioned to you above, that King also teaches.

Concerning this, let Stanrianos, Kentoupes, George Demarks, and Demerius Thomopoulus, a student of the medical school, be examined.

Read and signed.

The examining judge,

K. J. ŒCONOMIDES,

The examined,

DEMETRIUS DEMAKES.
AR. LIBEROPOULUS.

Under Clerk.

II.—Testimony of George Glines.

Athens, this 24th March, 1851, Saturday, at the office of inquest, before me, examining judge, C. Œconomides, the under clerk, Ar. Liberopoulus, being also present, the undermentioned witness, having appeared, is examined as follows:

Question. What is your name, etc.?

Answer. George Glines; I was born at Nauplia; I live here; am twenty years of age; a workman at the polytechnic school here, and a Christian.

Question. Do you know King?

Answer. I know him barely. (He gave the promise by touching the hand of the examining judge.)

Question. The 11th of March, the present month, about noon, did you go to the habitation of King, in this place, and with how many others?

Answer. Yes; I went alone.

Question. How did you chance to go to his house?

Answer. I had long since heard, from different persons, and especially from Leonidas Kyriakoules, a printer in the royal printing office, that King regularly taught, on Sunday, in his house, where there came together many hearers, unfolding the gospel and the holy scriptures, and that, in his teaching, he expressed himself against our holy religion. Wishing, therefore, to assure myself of the truth of the reports, I also began to frequent his house, and my visit thither of the 11th of March was the eighth.

Question. Were the hearers always *regular*?

Answer. Until *the carnival there appeared* twenty to thirty hearers,

among them were five or six distinguished as regular; but during lent the number of hearers increased to one hundred and thirty, among whom were always the five or six constant ones, and about ten others who appeared rather regularly at the meetings.

Question. What are the names of these regular hearers?

Answer. The names of all I am not acquainted with; I know only that among them one is named Katachanas, a hatter; another Pæonides, a student of the university. I do not know the name of any other. By sight, however, I may know others also. Moreover, I know that one other was named Babastaurakes, living opposite Katachanas, who, too, told me that he was present with Katachanas, also, at a private teaching.

Question. Did all those who assembled there participate in the principles of King, or did they assemble for curiosity's sake?

Answer. Only ten or twelve regular ones, of whom I have made mention to you, shared the principles of his teachings, asserting that they did not meet in his teachings anything offensive, inasmuch as, in his discourses, he relies upon the scriptures. Pæonides, moreover, as learned from Kyriakoules, who learned this from Tzaxeres, a studer of the gymnasium, teaches in his house, like King, the servant Tzaxeres, and certain others; and he prays like King, that is to s without making the sign of the cross, and has his own forms of pray and not those received by our religion.

Question. In the meetings at which you were present did you he King teaching doctrines contrary to religion, or other teaching repu nant to our holy traditions, and to the holy canons of our ortho eastern religion?

Answer. Two or three ———— ago, I heard once the teaching of King, but then he said nothing of importance against our holy religion, perhaps because my visit to his house chanced to be when he had been anathematized, and it appears he had restrained himself. In the meetings this year, however, he inveighed unreservedly, and without the slightest precaution, against the holy images, the holy councils, the celibacy of bishops and monks, and the separation of the monks from the world, and the mother of God. In his discourse next preceding the last he touched also lightly upon transubstantiation, and against the images and the cross; he said that they ought not to be worshipped; against the councils, in three lessons, that their acts have no force and no validity; against the celibacy of the bishops and monks, and their separating themselves from the world, he said that it is in opposition to the text, "increase and multiply;" against transubstantiation, that it does not present, as we understand it, the body and blood of Jesus Christ, and various other things, of which I took notes, but which, it seems, I have lost. (The witness here searched in his pocket-book, but did not find them.) Likewise he opposed fasting, saying that we ought not to fast, arguing from the passage, "not that which entereth in, but that which cometh out."

Question. This discourse, (showing him the manuscript,) is it of your composition?

Answer. Yes, but in the copy it has been corrupted by errors of the *pen.*

Question. Have you then heard all that you have mentioned in it from King?

Answer. Yes; I have heard him teaching that, and, with the intention of addressing some questions to him, in order to show the falsity [of his arguments,] I drew up this memoir, so to say, and went to his house on that day, to the meeting; but it seems that before me, Alexander Theagenes, a student of the theological school, had the same object.

He anticipated me, and addressed certain questions to King relative to his teachings, wherefore I was silent, waiting by Theagenes, in order to help him, if he should need assistance. King undertook to reply, only asking whether the question was concerning the teaching of that day, (which had nothing reprehensible,) otherwise it would be well to talk privately on another day. Theagenes assented to this, and decently commenced the discussion of one example, which, on that day, King had advanced, calling himself, with much particularity, Abel, as telling the truth, but us, Cain, because we wished on that account to injure him. Thence he proceeded, also, to the teaching of the preceding meetings, when his wife interposed, (coming on purpose among us from the other room, as, until that moment, she had not been present,) and prevented Theagenes from proceeding in his questions. On this account the hearers began to insist that he should talk that day. But King pretended that he wished to talk, but that his wife would not allow him; whence there arose a small disturbance, and we dispersed.

Question. After this circumstance, do you know whether King continued his Sunday teachings?

Answer. Yes, he continued, but I did not go any more.

Question. Besides the persons whom you have mentioned to us, who else can give us other information whether the accused, besides his public teachings, made use of persuasive ways for proselytism, and whether, for this purpose, he paid or had hired persons?

Answer. Demakes, I think, a student of the university, knows also those proselytes, as he feigned, if I am not deceived, proselytism. Demedes Emmanuel, a student of the first class of the gymnasium; Epaminondas Skarboles, student of the same class, and Pantocles Tzibzibakas, student of the same class.

Read and signed.

The examining judge,

K. J. ŒCONOMIDES,

The examined,

GEORGE GLINES,

AR. LIBEROPOULUS,

Under Clerk.

III.—Testimony of John Pæonides.

At Athens, this 25th of April, 1851, Wednesday, p. m., before me, K. J. Œconomides, examining judge of the court of correctional police, and the clerk of the court, appeared N. Broskes, the undermentioned witness, and *was examined as follows:*

Question. What is your name, &c.?

Answer. John Pæonides. I was born at Bosina, of Macedonia. I live here, am a matriculated student of the medical school, 28 years old, and a Christian.

Question. Do you know Jonas King, and have you any relationship to him?

Answer. I barely know him. (He gave the promise by touching the hand of the examining judge.)

Question. Do you frequent the house of King?

Answer. Yes, since 1848, if my memory does not deceive me.

Question. Generally on what days, and at what hours?

Answer. From what had happened, in respect to him, in 1846 and 1847, I think I felt a curiosity to know him in August, and to hear his teaching, wherefore I go on Sundays about 11 o'clock, and after dinner at 5 o'clock. I do not, however, attend regularly every Sunday, but at intervals.

Question. What did you observe of his teaching during those visits?

Answer. I observed that several persons assembled in one room, the same always, where King, standing, takes as a theme a part of the Scriptures, or of the Gospel, and interprets it in the presence of the hearers. This takes place before dinner. After dinner, that is about 5 o'clock, fewer persons come together in the same or in another room where all listen, sitting, to King reading an entire chapter of the Old Testament, and after that he offers a prayer.

Question. Have you ever heard him, in that teaching of his, speak against the grounds of our holy religion, or against the canons and the traditions of our orthodox synods?

Answer. Speaking generally, and not particularly, about the eastern church, he says, that every church, whether in the east or in the west, not founded upon the holy Scriptures alone, is mistaken.

Question. Did he ever speak particularly concerning the mother of God, concerning the saints, concerning the images, concerning the celibacy of bishops and the separation of monks from the world, concerning transubstantiation and lents? And what is his belief concerning them?

Answer. Concerning the virgin, he believes that she bore Christ, and according to the flesh, as man, but not according to essence; arguing that Christ, in respect to his humanity, was without father, but in respect to his humanity, (divinity,) without mother; and that afterwards she lived with Joseph as a woman. He does not approve of the worship paid to her; this I heard in a discourse after dinner. Likewise he does not approve of the honors ascribed to the images. As to what concerns the saints, he believes them to be in heaven, but does not approve of our considering them also as intercessors with Christ. That the not marrying of bishops, and the separation of the monks from the world, not only he has not found in any portion of the Scriptures, but they are in opposition to certain epistles of Paul to Timothy and Titus; and that transubstantiation is nothing but simply a type, in remembrance of the Lord's Supper, and in remembrance of *his death,* and not his body and blood. Concerning lents, he says, that *they are nothing* but a change of food; but fasting, as he understands

it, should take place, not on fixed days, but according to the different circumstances in which Christians are situated.

Question. Do you know whether he attempted to make proselytes to these doctrines of his?

Answer. I do not know either that he has any such, or that he exerts himself particularly for that object. Nay, we entered into conversation with him respecting the object of his teaching, and he told me that his aim was no other than to distribute the Word of God, to promote the reading of the Scriptures, and to leave each one to judge the Word according to his own ideas.

Question. Do you know whether he assists, in a pecuniary way, any one of his hearers?

Answer. No; on the contrary, I know that certain persons sought pecuniary assistance of him, and failed. But I do not remember their names.

Question. In your house, are you accustomed to receive friends, to whom you hold religious discourse?

Answer. Since 1847, I am accustomed, every Saturday, in the evening, to read parts of the Old and New Testaments, and that custom I contracted, because, as early as 1835, I began to practise these exercises occasionally, while I was yet in my own country, my father being a priest. If, then, friends chance to come to my room, I enter into these religious exercises. Of the appointed persons who come, however, some come accidentally, and others with a view to the said exercises.

For the certifying of the above, the present was drawn up, which, having been read, was signed by us all.

The examining judge, K. J. ŒCONOMIDES,
The examined, PÆONIDES.
N. BROSKES,
Clerk of the Court

IV.—Testimony of L. Kyriakoules.

At Athens, this 30th of March, 1851, Friday, in the office of inquest, before me, the examining judge, K. Œconomides, the under clerk, Ar. Liberopoulus, being also present, the undermentioned witness having appeared, is examined as follows:

Question. What is your name, &c.?

Answer. Leonidas Kyriakoules. I was born at Tripolis. I live here, am 26 years old, a printer, and a Christian.

Question. Do you know King?

Answer. I barely know him. (He gave the promise by touching the hand of the examining judge.)

Question. Do you frequent this person's teaching?

Answer. From the 1st of October until the 3d of December, O. S., I frequented it regularly; thenceforth I ceased going at all.

Question. For what cause *did you cease* attending?

Answer. I *knew, from hearsay, that the* accused had formerly been

driven away from Athens on account of heterodox teaching, and I had the idea that he was still absent. One Sunday I was passing by his house, with a friend of mine, who asked me whether we should go in to hear King. I asked him whether he had returned, and he told me that he had returned, and was teaching, and added, "See, his hearers are dispersing;" and, in fact, I saw that a few persons were coming out from his house. The following Sunday, therefore, I went for curiosity's sake, because, as I propose to devote myself to ecclesiastical matters, when I finish my work I study the sacred Scriptures, so I continued to attend regularly on Sunday, and I have notes of each of his lessons; and when on my last visit I wished to ask an explanation, and to oppose him in his heterodox teaching, he sent me away without giving me even an answer to my questions, so therefore I ceased from going any more.

Question. Can you specify to us those parts of his teaching which are in opposition to the grounds of our holy religion, and to the traditions of the holy synods and of the fathers?

Answer. Yes. I told you that I always made notes of what he used to teach on Sunday, and in order to save time I hand you the 1,129th number of the newspaper, "The Age," for January 17th of the present year, in which is inserted a petition of mine of December 8, 1850, to the holy synod, in which I detail, *in extenso*, generally what relates to the teaching of King, which also I affirm.

In corroboration of those statements of mine, I hand you another number of "The Age," 1,130, of January 20, in which appears a confirmation of my statements, signed by D. Tziaxeres. Afterwards others of his hearers, students of the gymnasium, having heard likewise, at a subsequent period, the teachings of the accused, repugnant to religion, petitioned also the holy synod, by their memorial of February 11, 1851, exhibiting in it exactly all they had heard. That petition I subscribed also, as well as John Kalomoeres, so far as relates to the accounts contained in it of King's school, concerning which, perhaps, there is at this time no question pending.

Question. Can you inform us whether the accused simply teaches, or whether he also endeavors, and in what manner, to proselytize his hearers to his doctrine?

Answer. Demetrius Demakes told me, that since he frequented very regularly the meetings of King, and showed in some sort attachment, (to him,) King expressed frequently his thanks, and praised him, telling him he was a good young man, because he listened with devotion to his teaching, and besought him to communicate it to others also, saying that he would recompense him, as he had also recompensed John Pæonides, John Patakes, Demetrius Sakellarius, and Michael Kalopothakes. They are particulary his proselytes.

Question. Do you know anything else capable of enlightening us in respect to the subject before us?

Answer. I know nothing else, since, as I told you, I have for a long time ceased going.

Read, and signed, &c.

V.—Testimony of J. Restimopoulus.

At Athens, this 2d of June, 1851, Saturday, p. m., before us, the examining judge of the court of correctional police, at this place, K. J. Œconomides, and the clerk of the court, N. Broskes, appears the under mentioned witness, who is examined as follows:

Question. What is your name, etc.?

Answer. John Restamopoulus, I was born at Kalabryta; I live here, am twenty-four years old, a printer, and a Christian.

Question. Do you know Jonas King?

Answer. I barely know him. (He gave the promise by touching the hand.)

Question. Do you frequent his house? On what days and at what hours?

Answer. Not now; I only went in October, on two Sundays, when I was still a military musician.

Question. What was the occasion of your going?

Answer. At the instigation of a friend of mine, a printer, called Leonidas Kyriakoules.

Question. On what account did he incite you to go?

Answer. From curiosity, in order that we might satisfy ourselves whether his teaching was indeed perverse.

Question. Well, what did you hear?

Answer. On the first Sunday he had as his theme holy baptism. So he said that man, even if he washed in the rivers, cannot be purified from his sins. Consequently, according to his ideas, which all Europe has received, sprinkling is more correct than baptism, (immersion,) or that if it be wanting altogether it is indifferent. As, for example, he stated, that as it is indifferent whether a general has a small or a large standard, so likewise it is indifferent whether a person be baptized (immersed) or sprinkled. The second Sunday I do not remember what theme he had; I remember, however, that afterwards, one day I went to the house, and requested him to give me a New Testament, printed at Cambridge, according to the seventy, (septuagint,) but he first asked me to bring him a recommendatory letter from the teacher Constantinides. I answered him that I was not a scholar, and did not even know him. Again he added that those books are not inspired, and in confirmation of this assertion, he cited Saint Athanasius, who mentions which are canonical, and asked me whether I wished him to give me some of his own, which were good. At the same time he asked me whether I went to his teaching. I told him that I did. In this interval a third person came and interrupted us, and I left.

Question. Do you know whether King has, or endeavors to make, proselytes, and whether, for this purpose, he pays money?

Answer. From hearsay alone I know that he has, as proselytes, the sons of Geson, (or of the old man,) and that he has, also, other secret ones whom he pays. From my own observation, however, I do not know.

For the certifying whereof, the present was drawn up and signed by us all, &c.

VI.—Testimony of Em. Demides.

At Athens, this 26th of March, 1851, Monday, in the office of inquest, before me, the examining judge, K. Œconomides, the under clerk, Ar. Liberopoulus being also present, the under mentioned witness appears, and is examined, as follows:

Question. What is your name, etc.?

Answer. Emanuel Demides; I was born at Nauplia; I live here, am nineteen years of age, a student of the gymnasium, and a Christian.

Question. Do you know King?

Answer. I know him barely. (He gave the promise by touching the hand.)

Question. Are you accustomed to frequent his house?

Answer. Some time since, reading in "The Age" a petition of Leonidas Kyriakoules, in which he made mention of the teaching of King, I had my curiosity awakened, and on his account went myself, also, six or seven Sundays, and heard his preaching during the present year.

Question. Concerning what, particularly, was his teaching?

Answer. This man usually takes passages from the Gospel, or from the apostles, expounding which with great hypocrisy, or, in a declamatory way; he perverts their true meaning, and taking opportunity, attacks the holy canons and traditions of our religion. For instance, according to his notion, no one is worthy of worship but God. He attacked the saints, and the mother of God, and her virginity, and the intercession of the saints. He cited as an authority a passage from Epiphanius, in which he says, "let no one worship Mary." On another occasion, taking as a foundation the passage, "increase and multiply," he attacked the celibacy of bishops, and the separation of the monks from the world, calling them rebels, (deserters or apostates,) from the Gospel. In another teaching, taking as his subject the epistle of Paul, I think, in which, addressing the Athenians, he said that he saw them to be very superstitious; he attacked the holy images, insisting that the said passage means this also, that is, he considers the Athenians superstitious, as having many objects of worship. He spoke against fasts, (saying,) namely: that we ought not to fast; but I do not remember whereon he founded that opinion of his. In like manner he attacked also several others of our ecclesiastical traditions; endeavoring, however, always to conceal his aim, and assigning as his principal object the enlightening of erring nations.

Question. Do you know whether the accused endeavored to make proselytes to his doctrine?

Answer. As I have heard from my friends Demakes and Leonidas Kyriakoules, that the accused, besides his open preaching, on Sunday, teaches also, in the evening, some who are considered as proselytes, and who, in the meeting of the day appear more attentive and devoted, and, as Demakes says, it appears also for this purpose that the accused hires [them].

Question. Who are those he has named as proselytes?

Answer. He named to me a certain Pæonides, who, as I heard, *imitating* his teacher, teaches himself, also, privately, at his house, *Kalopothakes*, and Katachanas, and George Staurakes.

Question. Do you know of anything else capable of enlightening us, in discovering whether the accused makes proselytes to his heterodox teaching?

Answer. At present I do not remember any other circumstances.

Read and signed, &c.

VII.—Testimony of D. Sakellarius.

At Athens, this third day of May, 1851, Thursday, p. m., before us, the examining judge of the court of correctional police, K. J. Œconomides, and the clerk of the court, N. Broskes, the undermentioned witness appeared, and was examined as follows:

Question. What is your name, &c.?

Answer. Demetrius Sakellarius. I was born in Samannae, of Macedonia; I live here, am a printer, 32 years old, and a Christian.

Question. Do you know Jonas King, and have you any relationship to him?

Answer. I barely know him.

[He gave the promise by touching the hand.]

Question. Do you frequent the house of Jonas King?

Answer. As often as I have time. I go on Sunday at eleven o'clock.

Question. How long have you been going, and with what object?

Answer. I became acquainted with this man four years ago, when I worked in the printing establishment of Antoniades. I printed a book for him, and, on account of the correction of the proofs, I had occasion to go to his house. In the meanwhile, however, I was absent a considerable time in my own country. I continued going, however, because afterwards I was informed that on Sunday, at the said house, he preached the Gospel; and as I received pleasure from that preaching of his, I continued to go.

Question. Did he himself ask you to go?

Answer. When I went the first Sunday, I asked him if one might go freely to listen, and he told me that he did not hinder, but received whoever happened to come.

Question. In that preaching of his did he ever discourse about the mother of God, about the saints, about the images, about the councils, about the celibacy of bishops, about transubstantiation, and about lents, [or fasts?]

Answer. He never took these subjects as the theme of his preaching; often, however, in speaking from the pulpit he spoke upon them also. And concerning the mother of God, he said that we ought not to call her mother of God, because in no part of Scripture is this epithet used, but mother of Jesus Christ, Concerning the saints, he said that we do not offer worship to them, which we owe to God alone; likewise, that we should not worship [or adore] images, which is particularly forbidden by the second commandment. Speaking concerning councils, he sometimes said that the first council strengthened christianity considerably, but *afterwards they* strayed, in order to oblige the *emperor and to enrich themselves.* Speaking about bishops and

monks, he said that the celibacy of the first and the retirement of the latter are not prescribed by the Scriptures, but are particularly opposed to christianity. He maintained the opinion that they should be married and in the midst of the world, and not separate from it. And finally, speaking about transubstantiation, he does not believe that the bread and wine are changed into the body and blood of Christ, but that Jesus Christ gave this command in simple remembrance of his sufferings.

Question. From what you have told us above, it seems that the accused teaches many things not agreeing with the grounds and the holy canons of the orthodox eastern church; how then did you say above, that having found pleasure in his teaching, (whilst he attacks things pertaining to our religion,) you continued to go?

Answer. I continued for two reasons: First, because I saw that his preaching was Christian and moral, and I confess that I was benefitted in this respect; and second, because I took occasion to study the Scriptures myself also.

Question. Did you go thither only at eleven o'clock, or also about evening?

Answer. In the afternoon, for one year only. I have gone sometimes for the sake of society, on which occasion there takes place, also, religious conversations.

Question. Do you know whether he attempts to make proselytes to his doctrines?

Answer. I know nothing of the kind; what he preaches he says publicly.

Question. Do you know whether he spends money with the object of proselyting?

Answer. No, I do not know; on the contrary, I have heard from himself formerly that various poor persons sought assistance from him, but that he told them that he was unable to give them material aid, and could give moral assistance only.

For the certifying of the above facts, the present was drawn up, which, having been read, was signed by us all, &c.

G.

Dr. King's appeal from the finding of the bill by the Council of the Court of Correctional Police.

Whereas, the council of the court of correctional police at Athens, grounding its proceedings on the seventeenth and eighteenth articles of the law (in the penal code) relating to reviling in general, and to the press, has, by its bill numbered four hundred and one, sent me to the bar of that court, to be tried on the charge of "teaching publicly, in my own house, dogmas, principles, and sentiments wholly repugnant to the grounds (or fundamental principles) of the holy religion of the Greeks, and which fatally assail the mysteries, the rites, and the customs of the oriental church;

Whereas, according to the express declaration of article tenth of the

Greek constitution, "any one may publish his thoughts orally, and in writing, and by the press, provided he observe the laws of the realm;

Whereas, the first article of the constitution, on the one hand, forbids proselytism, concerning which no accusation is pending against me, whilst on the other it permits the free exercise of every known religion;

Whereas, as a citizen of the United States, I profess a religion well known as prevailing, particularly in New England, and held by no inconsiderable portion of the people of Great Britain;

Whereas, in exercising my religion in my own house, and explaining the word of God in truth, I commit no act contemplated in the seventeenth and eighteenth articles of the law on reviling, inasmuch as the seventeenth article imposes a penalty on him who, with intention to revile, attacks the oriental church, or any other religion; but no such intention can be imputed to him who teaches the principles and tenets of his religion, or interprets the word of God and the sacred scriptures, even though such interpretation be discordant with that received by the oriental church;

Whereas, the indictment would forbid the teaching of any other religion in Greece except that of the oriental church, and would require universal conformity to the dogmas, the ordinances, and customs of the oriental church;

Whereas, this follows from the fact that I am accused only of attacking the Greek religion, and not religion in general, and the whole accusation, consequently, turns upon this, that I am not a member of the Greek church, and do not believe in accordance therewith;

Whereas, therefore, while the constitution allows the free exercise of every other known religion, the seventeenth article (of the penal code) only prohibits attacks upon the oriental church made publicly, and simply with an intention to revile, but does not prohibit those who believe differently from the oriental church to teach things at variance with the dogmas, the ordinances, and customs of that church;

Whereas, the eighteenth article (of the penal code) is wholly inapplicable to the case, inasmuch as the indictment sets forth nothing in support of the charge that I teach things derogatory to the reverence due to the Supreme Being, or that I express sentiments, opinions, or views opposed, in general, to religion or good morals;

Whereas, I view it to be the greatest injustice to prosecute a citizen of a friendly nation, for the sole reason that he preaches the word of God in his own house—to which the United States of America owe all the blessings that they enjoy, and especially their internal tranquility;

Wherefore, for the reasons aforesaid, and others expressed at my examination, I pray the quashing of the indictment numbered four hundred and one, which the council of the court of correctional police at Athens presented in the city of Athens the 21st of August, 1851, and promulgated the 23d of the same month and year; and I appeal to the justice of the council of the court of appeals in Athens to quash the aforesaid indictment, and to declare that there exists no ground of accusation against me for the act for which I am sent down for trial.

JONAS KING,

Citizen of the United States of America.

ATHENS, *August 27, (September 8,)* 1851.

H.

Record of the proceedings before the Council of the Court of Appeals.

[No. 2485.]

The council of the judges of the court of appeals, division first, consisting of the judges Ar. Moraitines, president, John Sakkallaropoulus, N. Saidopoulus, John L. Messenazes, and P. Kieppes; there being present, both the assistant attorney general, G. Prantounes, and the clerk, K. Georgiades.

Having assembled in the consulting chamber, the 7th of September, 1851, in order upon advisement, to decide upon the following matter, the council of the court of correctional police, of Athens, by its bill of indictment No. 401, of August 23d of this year, sent to their bar Jonas King, an American, to be adjudged guilty; for that during the past and current years, preaching in his house here, publicly, in the exposition of the holy scriptures, that baptism is nothing else but a simple symbol, and consequently it is indifferent whether a person is sprinkled or baptized, [immersed;] that those who eat a little bread, and drink a little wine, are foolish in thinking that they will be saved by this communion; that the all-holy mother of God is not ever-virgin; that those who worship her, as well as the other images, are idolaters; that he does not receive the holy councils and the things ordained by them, in matters of religion, and delivered by tradition to later orthodox Christians; that the fathers and saints of the orthodox eastern church of Christ were deceivers, and thereby brought in divers heresies; that holy baptism is nothing but an external sign for Christians; that those who observe lents are foolish; that there have entered in many deceivers into the world, who have introduced many divers heresies among men, saying that if man sins it is good that he give alms to the poor, that God may pardon the sin, and that he should supplicate also certain men, whom they call saints, to intercede with God, to pardon him if he sins, etc. He did attack, in public discourse, by contemptuous mockery, and malevolent expressions, the doctrines, the ordinances, and the customs of the eastern church, and expressed opinions and sentiments contrary in general to its fundamental principles, and having an injurious influence; contrary to articles 17 and 18 of the law concerning reviling and the press.

From the finding of this indictment, the accused having appeared, within the legal term, by his appeal of the 27th of last month, praying this council, for the causes therein set forth, to quash the indictment appealed from, and that he be discharged from prosecution, this council adjudging that there exists no cause of accusation against him: Wherefore, the assistant attorney general, having submitted to the council of this court the matter in question, moved, by his motion, numbered 24,646, that the said Jonas King's appeal from the finding of said bill of indictment be rejected, and that said finding remain of force, *because*, although article 10 of the constitution permits every one to *publish orally*, and in writing, as well as by the press, his thoughts, *yet, likewise*, the same constitution binds every one who wishes to

ı his opinions to observe the laws of the State. But, in the case
stion, the accused, contrary to articles 17 and 18 of the law
ıing reviling, in his house in this place, expounding publicly the
scriptures, during the past and the present year, hath attacked
temptuous mockery, and malevolent expressions, the doctrines,
inances and the customs of the eastern church, and, at the same
xpressed such principles, opinions, and sentiments, as are repug-
general to the grounds of the eastern religion, and are injurious
ıame.
ing heard the same attorney also, in support of his said motion,
having withdrawn from the council—having perused the record,
ving deliberated according to law—whereas, by the 10th article
constitution, every one may publish orally, and in writing, and
press, his thoughts, but upon condition of observing the laws of
te, which have for their object the quiet and security of the citi-
d (according to article 1 of the constitution) of not encroaching
ıe prevailing religion:
ıequently the attacking of the prevailing religion, by public
g and contemptuous mockery of its doctrines and customs, is not
ed, and so likewise the expression of principles in opposition to
unds of the prevailing religion: Whereas, in the present case,
ng to the actual facts established by the inquest, the accused
ng to himself as an object to persuade the followers of the pre-
religion who attend his teachings that they are lying in error,
blicly, in public discourse, contemptuously mock its doctrines,
ıces and customs, expressing principles repugnant to the grounds
ion, for this purpose inviting to his house a public assembly; con-
ly he has violated articles 17 and 18 of the penal code, which
ıt to observe, living, as he does, in the Greek community; for
ıuses, and the reasons set forth in the finding of the bill of indict-
ppealed from, and in the motion of the assistant attorney general,
the appeal of said Jonas King from the finding of said indict-
ıumbered 401, of the council of the judges of the court of correc-
olice of Athens.
dged and done at Athens, this tenth of September, 1851, and
ed the twelfth of the same month and year.
The president:

A. MORAITINES.
JOHN SAKELLAROPOULUS.
N. D. SAIDOPOULUS.
J. L. MASSINAZES.
P. J. KIEIPPES.
K. GEORGIADES, *Clerk.*

I.

to the Areopagus from the judgment of the Council of the Court of Appeals.

reas, the council of the court of appeals in Athens, by its judg-
ıumbered *2485, and dated 12th* September, of the current year,

affirmed the finding of the bill of indictment, numbered 401, of the council of the court of correctional police, which sends me to be tried before said court, under the 17th and 18th articles of the law concerning reviling in general and concerning the press, on the charge of "*teaching publicly, in my own house, dogmas, principles and opinions wholly repugnant to the grounds of the holy religion of the Greeks, and which fatally assail the mysteries, the rites, and customs of the oriental church:*"

Whereas, the first article of the constitution, on the one hand, forbids proselytism, concerning which no accusation has been preferred against me, whilst, on the other, it permits the *free* exercise of every other *known* religion;

Whereas, as a citizen of the United States of America, I profess a religion, well known as prevailing particularly in New England, and as held by no inconsiderable portion of the people of Great Britain;

Whereas, by publicly exercising my religion on the Sabbath, in my own house, and expounding the Word of God in truth, I do not violate the 17th and 18th articles of the law concerning reviling in general, and concerning the press; inasmuch as the 17th article imposes the penalty upon him who, with the intent to revile, and for no other purpose, attacks the Greek church, or any other religion; and no such intention can be imputed to one who teaches, at the hour of public worship, the principles and tenets of his religion, or in accordance therewith interprets the Word of God, or the sacred scriptures, even though such interpretation be at variance with that received by the oriental church;

Whereas, to teach a religion, known in Greece, at hours of worship, and in places set apart for that purpose, (e. g., in my own house,) although it differs from the prevailing religion, does not constitute an encroachment thereon, for the reason that, otherwise, every other known religion would be debarred the right to inculcate its peculiar doctrines in time of worship, and so, instead of the *unrestricted* exercise of every known religion, as guarantied by the constitution, that religion alone would be allowed the liberty of *public worship* which agrees with the dogmas, opinions and customs of the oriental church;

Whereas, if article 17, touching reviling, bore such a meaning, it ceased to have such force, after the adoption of the constitution, by virtue of the 1st and 103d articles thereof;

Whereas, the 18th article (of the penal code) is wholly inapplicable, inasmuch as I am not accused of uttering anything derogatory to the reverence due to the Supreme Being, or of expressing sentiments, opinions or views at variance with religion in general, or with good morals;

Whereas, for those reasons, it appears that the law has been falsely construed, and erroneously applied, I pray the reversal of the judgment of the court of appeals, numbered 2485.

JONAS KING,
Citizen of the United States of America.

ATHENS, *October 4th*, (16*th*, N. S.,) 1851.

J.

Proceedings before the Areopagus, on the appeal from the decision of the Council of the Court of Appeals.

[PENAL JUDGMENT, No. 117.]

The court of areopagus, consisting of judges G. A. Ralli, president; A. Polyzoidi, vice-president; B. Kurunopulo, P. Speliádi, A. Brélgari, P. Paparregópulo, and B. T. Economidi; present, the attorney general, John A. Somáki, and the clerk, G. Kodopulo; convened in public session on the 13th December, 1851, to hear *the petition for reversal* of Jonas King, American missionary resident at Athens, appellant, who appears by his lawful counsel, Spiridion Pellica and Spiridion Triantaphylli, advocates, against the judgment of the council of ephétae (court of appeals) at Athens.

The council of plemmeliodicae, (court of correctional police,) at Athens, by its judgment, No. 401, of 23d August of the present year, affirmed also by the above-named judgment of the council of ephétae, in Athens, sent down the said Jonas King to the bar of the same plemmeliodicae, to be adjudged guilty for that, during the past and the present year, by preaching publicly in his house here, in expounding the holy scriptures, that baptism is nothing but a mere symbol, and, consequently, it is indifferent whether a person be sprinkled or baptized, (immersed;) that they who eat a little bread and drink a little wine are foolish in thinking that they will be saved by this distribution; that the most holy mother of God is not ever-virgin; that those who worship her, and likewise the other divine images, are idolaters; that he does not receive the sacred synods, nor the decrees in regard to religion enacted by them, and handed down to the orthodox Christians after them; that the fathers and saints of the orthodox eastern church of Christ were deceivers, and, in consequence, brought in divers heresies; that holy baptism is nothing but an external sign for Christians; that they who keep the fasts are foolish; that many deceivers have come into the world, who have brought in many and divers heresies among men, saying, if a man sin it is good to give alms to the poor, that God may forgive the sin, and to beseech certain men, whom they call saints, to intercede with God, that their sins may be forgiven, &c.

He hath assailed, in public discourse, by contemptuous mockery and malevolent expressions, the doctrines, the ordinances, and the customs of the eastern church, and has expressed sentiments and opinions repugnant in general to the foundation of said church, and having an injurious influence—contrary, to wit, to the statute in regard to reviling and to the press, articles seventeen and eighteen.

The accused Jonas King prayed a reversal of this judgment before the council of ephétae, at Athens, moving said council, for reasons set forth in his appellatory motion of the 27th August of the present year, that the judgment be reversed, that he be discharged from prosecution, and that said council declare that there did not exist against him any cause of accusation.

The *said council of ephétae, before whom* the said appellatory motion

was called by the attorney general, *having reference* to the causes set forth in the judgment appealed from, and in the reply of the attorney general, rejected the prayer of said Jonas King, against the judgment No. 401 of the present year of the said council of plemmeliodicae, and affirmed that judgment *in toto*.

Of this judgment of said council of ephétae said Jonas King prays the reversal, for the following reasons:

1st. Because said last mentioned judgment erroneously affirmed the judgment of the council of plemmeliodicae, by which the appellant was sent down to be tried under articles 17 and 18 of the law in regard to reviling in general and to the press, for teaching publicly in his house doctrines, principles, and sentiments altogether contrary to the sacred religion of the Greeks, and *attacking fatally* the sacraments, rights, and customs of the eastern church.

2d. Because, according to the first article of our constitution, proselytism, indeed, is forbidden, (concerning which no charge is pending against him,) but the worship of every other known religion is allowed without restraint.

3d. Because, being a citizen of the United States of America, he professes a religion well known and, indeed, prevalent in New England, and professed by no contemptible portion of Great Britain.

4th. Because, in performing publicly the rites of his religion in his house on Lord's days, and interpreting truly the word of God, he does not violate the articles referred to—17 and 18 of said law.

5th. Because, according to the 17th article, punishment is inflicted on any one who, with a design to revile, and, from no other motive, attacks, the eastern or any other religion; but such a design cannot be attributed to him who teaches at the house of worship the principles and the fundamental doctrines of his religion, or interprets the word of God—that is, the holy scriptures—according to that religion, albeit this, his interpretation, may disagree with the interpretation of the eastern church.

6th. Because the teaching of a religion known in Greece, at the hour of worship, in the place appointed for that purpose (that is, in his own house,) albeit it does not agree with the prevailing religion, does not, therefore, constitute an interference with that religion—since otherwise we should deprive the worship of every known religion of the teaching of its own doctrines; and so, instead of the worship of every known religion being without restraint, according to the constitution, the worship of every known religion would be allowed only in so far as it might agree with the doctrines, opinions, and customs, of the Greek church.

7th. Because, if the 17th article of the law concerning reviling did contain such a sense, nevertheless, after the constitution, by virtue of articles 1 and 10, it ceased to have that sense.

8th. Because the 18th article of the same law is in nowise applicable, inasmuch as he is not accused of assailing the reverence due to the Creator of the universe, nor of expressing principles, opinions, and sentiments, which are repugnant, in general, to religion and to morality; *and because, consequently, it is a case of false construction and misapplication of the law.*

Having heard the statement of the reporting judge, A. Bulgari, the counsel for the appellant, and the attorney general, having deliberated according to law; whereas, the first article of the constitution declares the eastern orthodox religion to be dominant in Greece, and only enjoins the toleration of other known religions, at the same time forbidding every interference with the religion of the kingdom; and the 10th article of the same constitution sanctions indeed the liberty of speech, but upon condition that the laws of the kingdom be observed; consequently, although the constitution tolerates the worship of foreign religions, it does not, however, allow the condemnation of the principles, customs, doctrines, and ordinances of the religion dominant in Greece; and the council of ephétae, in Athens, in the case before the court, considering *in the exercise of* its sovereign authority, the actual facts certified against Jonas King on the inquest, the estimation of which *does not belong to* the jurisdiction of the areopagus, allows, upon a second consideration of the judgment appealed from, both for the reasons mentioned in the judgment of the plemmeliodicae, and also for those proposed by the king's attorney, which it likewise admits, that Jonas King did, publicly, by public teaching, contemptuously mock the doctrines, the ordinances, and the customs of the eastern orthodox church, expressing principles contrary to its *fundamental doctrines*, inviting for this purpose a public assembly in his house, inveighing against the orthodox Greeks, as worshipping the divinity after a wrong manner, mocking and blaspheming the doctrines of the national faith and the traditions, reviling the sacraments and the rites, calling the worship of the most holy mother of God, and of the saints, idolatry, and the holy fathers of the Greek church heretics and idolaters; that is to say, the epheteion certifies the commission of an act expressly forbidden by the constitution, and punishable according to the 17th article of the law concerning reviling in general, and concerning the press, which law it has rightly applied; but the introduction of article 18th of the same law into the judgment is erroneous, inasmuch as it appears, from the letter and the meaning of the recitatory part of said judgment, that the criminal act attributed to the appellant consists, in general, in this—that he has publicly, in public teaching, by contemptuous mockery, revilings, and malevolent expressions, attacked the foundations, the doctrines, the ordinances, the principles, and the customs of the national religion of the kingdom; in other words, is an act provided against, as aforesaid, expressly and particularly, by the 17th article, which was also applied; therefore, no act contemplated by article 18th being certified by the judgment, the council ought not to have applied that article, and consequently, the judgment, in this respect, must be reversed; therefore—

This court reverses the judgment, No. 2485, of September 10th, 1851, of the council of ephétae, in Athens, in so far as by it, the 18th article of the law concerning reviling in general, and concerning the press, was applied, and denies the prayer of Jonas King for reversal of the same judgment, in so far as regards the application of article 17th.

It orders to be returned to Jonas King the security deposited by him, and puts the fees for stamped paper to the account of the public.

Adjudged, decided, and published at Athens, 20th December, 1851.

The President: G. A. RALLI,
A. POLYZOIDI,
B. KURUNOPULO,
P. SPELIADI,
A. BULGAU,
P. PAPANEGOPULO.
B. T. ECONOMIDI,
G. KODOPULO, *Clerk.*

An accurate copy. Athens, 2d January, 1851, (2.)
G. B. KEORUTOPELLO,
Assistant Clerk.

K.

Record of the proceedings on the trial before the court of correctional police. Sitting of the twenty-second of February (5th of March, N. S.) of the court of correctional police of Athens.

Judges.—Basil Nicolopoulus, president; Constantine Pappaspyrides, Nicolas Kallisperes, John Boniseres, and Constantine Œconomides; John Typaldus, attorney general; R. Matakides, clerk.

Accused.—Jonas King, present in person with his counsel, Spiridion Tryantaphylles and Spiridion Pellecas, advocates.

Offence.—Reviling.

At the above public session, in the court room of the judicial department, was brought up the above named accused, who, having been questioned by the president concerning his identity, replied that he was named Jonas King, was born in Hawley, in America, lives in Athens, 59 years old, temporarily acts as consul of the United States, and is evangelical in religion.

After this the president told him that he was charged with a criminal offence, and asked him whether he had counsel for his defence. The respondent answered that he had as his counsel the lawyers present, Spiridion Tryantaphylles and Spiridion Pellecas, whom the president reminded of the regulations of article 376 of the code of criminal procedure. He charged the respondent to attend to the accusation against him and the discussion concerning it.

Hereupon the attorney general, addressing [the court,] stated briefly the contents of the bill found agreeably to the citation, and placed in the hands of the president a list of the witnesses summoned by the prosecution. 1. Demetrius Demakes; 2. George Glines; 3. John Paeonides; 4. Leonidas Kyriakoules; 5. John Restamopoulus; 6. Emmanuel Demides; 7. Demetrius Sakellarius; 8. Alex. Lycurgus; 9. George Melidouer; 10. Demetrius Tokehteres; 11. Panteles Pozitzibakus; 12. Alexander P. Theagenes; and 13. Emmanuel Artiers, whose names were called by the crier, and who were found present, with the exception of the last four. The counsel for the respondent also, in like manner, handed to the president a list of the witnesses for the defence.

1. George Paraschus; 2. Demosthenes Palabanas; 3. Anask. Kitzakes; 4. Michael Kalopothakes; 5. Emmanuel Joamides; 6. And. Patousas; 7. John Pappabasilopoulos; 8. Const. Patakes; 9. Dem. Brotzanus; 10. Napoléontus Seronius; 11. Mark Melaïtes; 12. Stam. Prikaliotes; 13. Ulysses Kynegus; 14. Mark Trankogenakes; 15. Peter Ratzelus; 16. G. Labeates; 17. Taktakes; and 18. Tatzelus Maromates, whose names were called by the crier, and who were found present with the exception of the last six.

The attorney general, addressing [the court] in respect to the witnesses for the prosecution who had not appeared, said that he waived their testimony and moved that the present trial proceed upon the testimony of the witnesses present, inasmuch as the witnesses D. Tzachteres, P. Tzitzibakes, and Alex. Theagenes were not found, so that their summons could be delivered to them. But Emm. Artius, although legally subpœned, as is certified by the return of the summons, had contumeliously neglected to appear, wherefore he moved the court to impose upon the said Artius a fine of twenty drachmas and the duty on the stamp.

The counsel for the respondent, addressing, [the court,] said that they took no exception to the motion in general of the attorney general, and that they waived the evidence of witnesses for the defence who had not appeared, to which waiver the attorney general did not object. The court having consulted, in their seats, in due form, announced, through the president, their decision publicly, by which the motion of the attorney general concerning the imposition of a fine upon the non-appearing witness for the prosecution was denied, because he was not regularly summoned, and the duty on the stamp was imposed upon the public.

And now, by order of the president, the witnesses, both for the prosecution and for the defence, were ordered to withdraw from the court room into separate apartments, and there remained for examination. One of the witnesses for the prosecution who, being questioned by the president in respect to his personal identity, answered that he is named (1st) Demetrius Demakes, born in Kynouria, lives here, is twenty years of age, a student of the university, and an orthodox Christian; that he barely knows the accused, and has neither relationship nor enmity to him.

Having been sworn on the holy Gospel, according to the 121st article of the code of criminal procedure, and having been examined with regard to the accusation under consideration, he deposed the same things as on the inquest.

After his examination, he remaining in the court room, there came another witness for the prosecution, who, being questioned in respect to his personal identity, answered that he is named (2d) George Glines, born at Nauplia, lives here, is 20 years of age, an artisan, and an orthodox Christian; that he barely knows the accused, and has no relation nor enmity to him.

Having been sworn on the holy Gospel, according to article 121 of the code of crim. proc., and examined as the one before him, he deposed as on the inquest.

After his examination, he remaining in the court room, there came another witness for the prosecution, who, having been questioned in

respect to his personal identity, answered that he is named (3d) John Paeonides, born in Macedonia, lives here, is 28 years old, a student, and a Christian; and that he barely knows the accused.

Having been sworn on the holy Gospel, according to article 121 of the code of crim. proced., and having been examined like those who preceded him, he deposed as on the inquest.

After his examination, he remaining in the court room, there came another witness for the prosecution, who, having been questioned in respect to his personal identity, answered that he is named (4th) Leonidas Kyriakoules, was born at Tripolis, lives here, is 27 years old, a printer, and an orthodox Christian; and that he barely knows the accused.

Having been sworn upon the holy Gospel, according to article 121 of the code of criminal procedure, and having been examined as those who preceded him, he deposed the same things as on the inquest.

After his examination, he remaining in the court room, there came another witness for the prosecution, who, having been questioned in regard to his personal identity, answered that he is named (5th) John Restamopoulus, born at Calabryta, lives here, is a printer, twenty-seven years old, and an orthodox Christian; that he simply knows the accused.

Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he deposed the same things as on the inquest. After his examination, he remaining in the court room, there came another witness, who, having been questioned in regard to his identity, answered that he is called Emmanuel Demides, born at Nauplia, lives at Athens, is a student, twenty-two years old, and an orthodox Christian; simply knows the accused; and, having been sworn on the holy Gospel, according to the 121st article of the code of criminal procedure, and examined as those who preceded him, he deposed the same things as on the inquest.

After his examination, he remaining in the court room, there came another witness, who, having been questioned in relation to his personal identity, answered that he is named (7th) Demetrius Sakellarius, born in Macedonia, lives here, is a printer, thirty-two years of age; and an orthodox Christian; that he simply knows the accused. Having been sworn upon the holy Gospel, according to article 121 of the criminal procedure, and examined as those who preceded him, he deposed the same things as on the inquest.

After his examination, he remaining in the court room, there came another witness for the prosecution, who, being questioned in regard to his personal identity, answered that he is named (8th) Alexander Lycurgus, born in Samos, lives at Athens, is twenty-five years old, a student of the university, and an orthodox Christian; that he simply knows the accused. Having been sworn upon the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he deposed, that formerly he was a friend of the accused, and had intercourse with him, and knows that the accused *is opposed to our religion, and from that time ceased his intercourse with him. But he had heard from many other persons that the accused, teaching, forsooth,* the word of God at his house, whither many hearers

freely come, uttered blasphemy against the mother of God, saying that she ought not to be so called, but mother of Christ. Moreover, against baptism, that it is not a mystery, and consequently it is no matter whether a person be baptised or not. That he misrepresents the celibacy of the clergy and the worship of the images of the saints. And I have heard that all these things he taught publicly in the years 1849 and 1851, in his house, where he invited students, his friends and acquaintances, to listen, with the object of making them proselytes, and that finally by this teaching of his the accused attacked and directly refuted our religion.

After his examination, he remaining in the court-room, there came the last witness for the prosecution, who, having been questioned in regard to his identity, answered that he is named (9th) George Melidones, was born in Crete, lives here, is sixty-seven years old, an empiric physician, and an orthodox Christian; that he simply knows the accused. Having been sworn on the holy Gospel, according to the article 121 of the code of criminal procedure, and examined as those who preceded him, he deposed that he was formerly intimate with the accused, who asked him to become a missionary, that is, to change his religion, the (eastern,) and become an evangelist. From that time he ceased his intercourse with the accused, and for five years had not gone to his house.

After his examination, he remaining in the court-room, commenced the examination of the witnesses for the defence, and, by order of the president, there came one of them, who, being questioned in regard to his name, &c., answered that he is named (1st) George Paraschus, born in Scio, lives here, is twenty-eight years of age, an employé, and an orthodox Christian. He knows merely the accused, Having been sworn on the holy Gospel, according to the article 121 of the code of criminal procedure, and examined upon the points suggested by the counsel for the respondent, he deposed that last year, at intervals, he was present at the discourses of the accused, which took place at his house publicly; that he grounded himself in his discourses upon the Old and New Testaments, as far as he (the witness) was able to learn, and he believes that the accused is of a creed contrary to the eastern (Greek) religion; that, however, he never heard mockery of our religion. His teachings are free to any who choose to come.

After his examination, he remaining in the court-room, there came another witness, who, being questioned in regard to his personal identity, answered that he is named (2d) Demosthenes Palapanos, born at Carytana, lives here, is twenty-seven years old, a student of the medical school, and an orthodox Christian. Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he deposed that two or three Sundays he heard the teaching of the accused, who had as his basis the scriptures. Mockery against our religion, however, he had not heard from the accused while teaching.

After his examination, he remaining in the court-room, there came another witness, who, having been questioned in respect to his personal identity, answered *that he is named* (3d) Anastasius Kitzakes, *born at Pribozon, lives at Athens,* twenty-nine years old, a corporal of

the infantry, and an orthodox Christian; that he simply knows the accused. Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified that he went twice or thrice to the lessons of the accused, and did not hear him attack our religion.

After his examination, he remaining in the court-room, there came another witness, who having been questioned in respect to his identity, etc., answered that he is named (4th) Michael Kalopothakes, was born at Areiopolis, lives here, is twenty-six years of age, a student, and an orthodox Christian; that he simply knows the accused. Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and having been examined as those who preceded him, he testified, that he twice heard the accused teaching the Gospel, as he (the accused) believes. He did not, however, hear him revile our religion, but based his teaching on the Old Testament.

After his examination, he remaining in the court-room, there came another witness, who, being questioned in respect to his name, etc., answered that he is named (5th) Emanuel Joannides, was born in Amurgus, lives here, is twenty-eight years of age. a teacher, and an orthodox Christian.

Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified, that four times he had heard the teachings of the accused, and never heard him utter mockery against our religion.

After his examination, he remaining in the court-room, there came another witness, who, being questioned in respect to his name, etc., answered that he is named (6th) Andrew Patounas, was born at Ipsara, lives here, is forty years of age, a teacher of French, and an orthodox Christian; that he knows the accused simply. Having been sworn upon the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified, that four or five times he heard the teaching of the accused, and did not, in them, hear mockery against our religion.

After his examination, he remaining in the court-room, there came another witness, who, having been questioned in respect to his name, etc., answered that he is named (7th) John Pappabasilopoulus, was born in Epirus, lives here, is 22 years old, a student, and an orthodox Christian; that he simply knows the accused; and, having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified, that he twice heard the accused teaching, and had not heard anything opposed to our religion. After his examination, he remaining in the court-room, there came another witness, who, having been questioned in regard to his name, etc., answered that he is named (8th) Const. Pakakes, was born at Bolus, in Thessaly, lives here, is 27 years of age, a student of the medical school, and an orthodox Christian, who simply knows the accused. Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified, that he had heard the teaching of the *accused, five or* six times. But in private, he heard from him that

we ought not to trust in the images of the saints, because this is in opposition to the Old Testament.

After his examination, he remaining in the court-room, there came another witness, who, having been questioned in respect to his name, etc., answered that he is named (9) John Mark Melaïtes, was born at Ipsara, lives at Chalcis, 66 years of age, an officer in the navy, and an orthodox Christian, that he simply knows the accused. Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined like those who preceded him, he testified that he heard, one Sunday, the accused teaching the Gospel in his house, and did not hear mockery of our religion.

After his examination, he remaining in the court-room, there came another witness, who, having been questioned concerning his personal identity, answered that he is named (10) Demosthenes Bratzanos, was born in Ipsara, lives here, is twenty-six years old, secretary of the Duchess of Plaisance, and an orthodox Christian, that the accused he simply knows.

Having been sworn on the holy Gospel, according to article 121 of the code of criminal procedure, and examined as those who preceded him, he testified that he had heard the teaching of the accused a few times, and did not hear any mockery of our religion. After his examination this witness also remained in the court-room.

After the examination of all the above witnesses, both for the prosecution and for the defence, the president asked the accused and his counsel whether they had anything to observe or to suggest against the testimony; but he answered in the negative.

And now the counsel for the respondent waived the remaining evidence for the defence, to which waiver the attorney general took no exception, and hereupon the president asked the respondent whether he had anything to say; and the said respondent insisted, in his defence, that the charge of reviling the eastern religion, whereof he was accused, is false, and is an intrigue of his friends [enemies?]

The discussion of the evidence being concluded, the attorney general proceeded to set forth the grounds of the prosecution, praying that the respondent be adjudged guilty, in manner and form as charged in the bill of indictment, under articles 17 and 18 of the law "concerning reviling in general, and concerning the press." The counsel for the respondent set forth the grounds for the defence, and prayed the acquittal of said respondent.

The attorney general, being heard in reply to the counsel for the defence, insisted on the guilt of the respondent. The counsel for the respondent, to whom leave of speaking was granted, said that they had nothing to add.

The respondent, to whom leave to speak was granted, spoke in his own defence, and prayed to be acquitted; and thereupon the president declared the argument closed, and withdrew with the other justices and the clerk into the consulting room, for advisement upon the judgment; and shortly thereafter he came forth, and, with the remaining judges and the clerk, took his seat in court, where, in the presence of the attorney general, *and the respondent*, with his counsel, Spyridon *Tryantaphyllis, he publicly pronounced* the judgment of the court by

which the said Jonas King was adjudged guilty of having, in the years 1850 and 1851, in public discourse and teaching here, attacked by malevolent expressions the doctrines, the ordinances, and the customs of the eastern orthodox church, and expressed principles, opinions, and sentiments repugnant in general to the grounds of religion, and injurious thereunto. Upon the publication of this judgment, the attorney general addressing [the court,] moved that the convict be condemned to the shortest term of punishment [imprisonment,] and to the costs of trial, and the duty on the stamps [the payment whereof to be enforced] by committal, and that his expulsion beyond the bounds of the Hellenic State, as an alien, be ordered, by virtue of articles 34 and 37 of the penal code.

The counsel for the convict, to whom leave of speaking was granted, as to the punishment, did not oppose the motion, but as to the motion for the expulsion of his client beyond the bounds [of the State,] he resisted the same, and prayed that it be denied, for that the provisions of article 34 of the penal code are not hereunto applicable. The respondent, to whom leave to speak was granted, said nothing, and the court having deliberated according to law, pronounced through the President publicly, in the presence of the attorney general, of the clerk, and of the respondent, with his counsel, sentence, whereby the said Jonas King was condemned to imprisonment for fifteen days, and to the costs of the trial, and the duty on stamps [to be collected] by personal committal. His expulsion beyond the bounds of the Greek realm was also ordered, and hereupon the President dissolved the court.

The President,

B. K. NICOLOPOULUS.
CONST. PAPPASPRIDES.
N. KALLISPERES.
JO. BONISERES.
CONST. ŒCONOMIDES.
A. MATAKIDES, *Clerk.*

L.

Judgment and sentence of the Court of Correctional Police.—No. 704.

The court of correctional police of Athens, consisting of the President, B. K. Nicolopoulus; the judges, Const. Pappaspyrides, Nicol. Kallisperes, John Boniseres, and Const. T. Œconomides; the attorney general, Jo. Typaldos, being present, and the secretary, Ar. Matakides, being publicly assembled in the court room of the court, the 22d of February ,(5th March, N. S.,) 1852, for the trial of Jonas King, charged with reviling, who appeared, having also his advocates, Spyridon Tryantaphylles, and Spyridon Pellicas, here present:

The council of this court, by its order No. 401, of the 23d of August, 1851, sent to the bar of this court the said respondent, to be tried for *that, preaching,* in the year 1850 and 1851, within his house, in this *place, publicly,* in the exposition of the sacred scriptures, that baptism

other than a simple symbol, and consequently it is indifferent
ıer one is sprinkled or immersed; that those who eat a little
, and drink a little wine, are foolish in thinking that they will be
by this communion; that the most holy mother of God is not
virgin; that those who worship her, as also the other divine
s, are idolaters; that he does not accept the sacred councils, and
ıings ordained by them in religion, and handed down by tradition
orthodox Christians in later times; that the fathers and the saints
orthodox oriental church of Christ were deceivers, and, as a con-
nce of this they brought in divers heresies; that holy baptism is
ıer than an external sign for Christians; that they who keep lent
olish; that many deceivers have come into the world, and have
ht in many and divers heresies among men, saying, if a man sin,
well to give alms to the poor, that God may forgive the sin, and
ay to certain men, whom they call saints, that they may act as
ıtors with God that his sins may be forgiven, &c.; in public dis-
e, by contemptuous mockery and malevolent expressions, he did
the dogmas, the ordinances, and the customs of the oriental
h, and expressed opinions and sentiments contrary, in general, to
se, and having an injurious influence, that is, in violation of the
es 17 and 18 of the law concerning reviling, etc.

ım this order the respondent took his appeal, upon which was
l, the 10th September, 1851, No. 2485, the decision of the council
court of appeals in this place, by which his appeal was re-
, the order from which he appealed affirmed, and the articles 17
8 of the law concerning reviling, &c., were applied.

d of this decision the same respondent prayed reversal, and there-
the areopagus pronounced judgment, the 20th December, 1851,
17, reversing the said decision, No. 2485, of the court of appeals,
far as concerned the application of article 18, and rejecting his
r for the reversal of the same decision in so far as regarded the
ation of article 17.

pursuance whereof, the attorney general, at this court, by a cita-
ırder, summoned the said respondent to appear this day at the
this court for trial, according to the law. Having examined the
ıdent concerning his identity; having heard the attorney general
rth the intent and purpose of the criminal charge; having ex-
d the witnesses, under oath, first, for the prosecution, Demetrius
kes, George Glines, John Paeonides, Leonidas Kyriakoules, John
mapoules, Emmanuel Demides, Demetrius Sakellarius, Alexander
gus, George Melidon; second, for the defence, George Parasches,
sthenes Palapanes, Anastasius Kitchakes, Michael Kalopothakes,
ınuel Joannides, Andrew Patounas, John Papabasilopoulus, Con-
ıe Patakes, John Marki Melætes, and Demosthenes Bratchanos.
g heard the respondent in his own defence, the attorney general,
set forth and maintained the grounds of accusation, and moved
he accused be adjudged guilty, according to the citatory order,
s to say, of a violation of articles 17 and 18 of the law concern-
viling, &c., and the counsel for the respondent, who set forth the
ds of the defence, and prayed *the acquittal* of their client; the
ey general *having replied, and insisted* upon the guilt of the re-

spondent; the respondent having spoken in his own defence, and prayed his acquittal; having perused all the documents relative to the process; having deliberated according to law:

Whereas, from the sworn depositions of the witnesses for the prosecution at the bar, the confession of the respondent, and the whole proceedings, the following facts appeared; that, particularly in the years 1850 and 1851, the accused, regularly every Sunday, and at a specified appointed hour, namely, at 11 a. m., received publicly into his house every one who came, and in their hearing, taking as a theme a passage of the holy Gospel for that day, expounded the same; but that, in his public teaching, called by him preaching, he did not confine himself to the exposition of his text according to his religion; but going of set purpose, beyond his proper sphere, did malevolently revile our holy canons, and the traditions of the eastern church, not admitting as mysteries baptism and transubstantiation, and, touching baptism, that it is indifferent whether it be by immersion or by sprinkling, (which he considers as more correct,) because the baptized is not purified by it from sins, and that those who think the contrary are foolish; that the communion is only bread and wine, and cannot be any other than a simple type for remembrance; that the mother of God is the mother of Christ, and simply a woman, and did not remain a virgin after the birth, [of Christ,] but bare also other children, and that we ought not to worship her; that the worship of the holy images is idolatry, as also that we ought not to worship the saints, because they are simply men, and that neither they, nor the mother of God, can mediate for us with God, and that those who profess this are foolish; that the fasts, and the celibacy of the monks and prelates are contrary to the divine comands; and that with the exception of the first council, the others were the invention of the emperors, for political purposes, and for this reason their acts are of no authority; that in this teaching, as has already been set forth, always on the same day and hour, he had no other hearers but the children of the orthodox eastern church, and did not confine himself, in his preaching, to the exposition of the Gospel, according to his opinions, but, of set purpose, arrayed himself against the dogmas and canons of the eastern orthodox church, attacking them; that as from his preaching arose scandal among his hearers, and, on certain Sundays, some one of his hearers undertook to refute him, but he was not willing to enter into the contest, and in order to compel them to go away, he hoisted, in his house, the American flag; that besides the teaching on the Lord's day, at 11 o'clock, he received also, in the evening, every Sunday, at a specified hour, some of his chosen ones, to whom he spoke concerning religion; and finally, that, not seeing for some Sundays the witness G. Meledon, he sent to him to know why he did not continue to come to hear him, and invited him to go, and also he invited to this another witness for the defence, and in general he was pleased when he saw many hearers.

Whereas, from the things briefly set forth, and their connexion with one another, it is sufficiently evident, and the court is pursuaded, that the respondent, Jonas King, in the years 1850 and 1851, in this place, *in public discourses and teachings, attacked, by malevolent expressions, the dogmas*, and the ordinances, and the customs of the eastern

church, and expressed such principles, and opinions, and sentiments as are contrary in general to the bases of religion, and are injurious to religion and morals; and the calling of the mother of God simply a woman, and affirming that she bare also other children; and that the communion, that is, the body and blood of our Lord Jesus Christ, is bread and wine, are incontestably malevolent expressions, and principles, opinions, and sentiments contrary to religion are the whole of his teachings, as is above set forth, and this has a prejudicial influence upon religion and morals; and whereas, what was deposed by some of the witnesses for the defence, that they had heard nothing contrary [to the Greek religion] as often as he spoke publicly, cannot disprove specific and distinct statements of the witnesses for the prosecution; and inasmuch as the witnesses for the defence deposed that one was present once, and another twice, or four times, at his teaching, and consequently, it is possible that the respondent said nothing then against the eastern religion, or that they did not hear this; and as to the argument of the council for the respondent, to the effect that article 18 cannot be applied, because the areopagus, by its decision, reversed the judgment of the court of appeals in that behalf, [it is answered,] that said decision of the court of areopagus is without force, and that decision, considered as a definitive judgment, doth not bind this court, for that the said reversal was decreed, because the areopagus did not find, in the opinion pronounced by the council of the court of appeals, facts coming within the purview of said article 18, but such facts did [afterwards] appear at the bar of this court, and consequently this court can take notice of the same, and weigh them, and adjudge thereon, inasmuch as thereby the character of the criminal charge, upon which the respondent was sent down for trial, is not at all changed;

Therefore, adjudges Jonas King, born in Hawley, in America, residing in Athens, aged 59, evangelical, guilty of having attacked, in the years 1850 and 1851, in this place, in public discourse and teaching, by malevolent expressions, the dogmas, the ordinances, and the customs of the eastern orthodox church, and of expressing principles, opinions, and sentiments which are contrary in general to the bases of religion, and are prejudicial thereto.

Adjudged, decided, and published at Athens, the 22d February, 1852.

The President, B. K. NICOLOPOULAS,
CONST. PAPASPARIDES,
N. KALLISPERES,
J. BONISERES,
K. J. ŒCONOMIDES,
A. MATAKIDES, *Clerk.*

After the publication of this judgment, having heard the attorney general moving that the convict be sentenced to the least degree of punishment, to the costs of trial, the duty on the stamps, &c., and that order be taken for his expulsion, as an alien, beyond the bounds of the Greek commonwealth.

The counsel for the respondent convicted not excepting to said motion as it regards *the penalty, but resisting* the same as far as regards

the exile of his client, and praying that said motion be so far denied, having in view the documents relative to the proceedings, having deliberated, according to law;

Whereas, the act whereof the respondent, Jonas King, stands convicted, is provided against and made punishable by articles 17 and 18 of the law concerning reviling in general, and concerning the press, which prescribes thus:

17. "Imprisonment for a term not exceeding three months, and, on a second conviction, not exceeding six months, is inflicted upon him who, in public discourse, in writing, or by symbolical representations, attacks by contemptuous mockery, or malevolent expressions, the dogmas, the ordinances, and the customs of the oriental church, or other religion existing with the consent of the government."

18. "Whoever shall, by public discourse, teaching, writing, or symbolical representations, express himself to the scandal of others in manner derogatory to the reverence due to the Creator of the universe; whoever shall express such principles, opinions, or sentiments, as are repugnant in general to the bases of religion and morals, or as are otherwise injurious to religion or to morality; whoever shall endeavor to justify acts characterized as offences or crimes by the law, shall be sentenced to imprisonment for a term not exceeding three months; and, on a second conviction of the crime, shall be punished with imprisonment for a term not exceeding six months."

Whereas, the motion of the attorney general, that the banishment of the respondent from the country be ordered at the same time, is founded upon the law, (articles 34 and 37 of the penal code,) because the respondent adjudged guilty, inveighing, as has been before set forth, so scandalously against the orthodox eastern religion, the canons, traditions, and its customs, is, in conduct and behaviour pre-eminently dangerous to morals, which are the bases of the Gospel and of this eastern religion;

Therefore, considering also article 32, of the penal code, and 82 of the code of criminal procedure, sentences the said Jonas King, convicted as aforesaid, to fifteen days' imprisonment, to the costs of trial, and the duty on the stamps, to be collected by the committal of his person, and orders his exile from the territory of Greece, after the execution of the sentence of imprisonment. Adjudged and published at Athens, this 22d of February, 1852.

The President, B. K. NICOLOPOULAS,
CONST. PAPASPIRIDES,
N. KALLISPERES,
J. BONISERES,
K. J. ŒCONOMIDES,
A. MATAKIDES, *Clerk.*

For the accuracy of the copy, Athens, the 22d of February, 1852.
[L. S.] CH. A. ANASTASOPOULOS,
Under Clerk.

M.

Final judgment of the Areopagus.

[No. 18.—PENAL SENTENCE.]

The court of the areopagus—consisting of the judges, G. A. Ralles. president, A. Polygoïdes, vice president, P. Speliades, A. Bulgaris, P. Papparagopoulos, J. G. N. Mamomates, B. J. Œconomides; present also the attorney general, J. A. Somakes, and the clerk, G. Koutopoulos—assembled in public session the 10th of March of the present year, (22d of March, N. S.,) to hear and determine the appeal following, of Jonas King, present by his attorneys M. Renieres, A. Balanos, S. Pellicas, D. Kyriatos, M. Potles,* and Sp. Triantaphylles.

The council of the court of correctional police, at Athens, by its order No. 401, of the 23d of August, 1851, sent down Jonas King to the bar of the same court of correctional police, to be adjudged guilty for that [by] preaching, in the years 1850 and 1851, within his house in this place, publicly, in the exposition of the sacred scriptures—that baptism is no other than a simple symbol, and consequently it is indifferent whether one is sprinkled or immersed; that those who eat a little bread and drink a little wine are foolish in thinking that they shall be saved by this communion; that the most holy mother of God is not ever-virgin; that those who worship her, as also the other divine images, are idolaters; that he does not accept the sacred councils and the things ordained by them in religion, and handed down by tradition to the orthodox Christians in later times; that the fathers and the saints of the orthodox oriental church of Christ were deceivers, and as a consequence of this, they brought in divers heresies; that holy baptism is no other than an external sign for Christians; that they who keep lent are foolish; that many deceivers have come into the world, and have brought in many and divers heresies among men, saying if a man sin it is good to give alms to the poor, that God may forgive the sin, and to pray to certain men, whom they call saints, that they may act as mediators with God, that his sins may be forgiven, &c.; in public discourse, by contemptuous mockery and malevolent expressions, did attack the dogmas, the ordinances, and the customs of the oriental church, and did express opinions and sentiments contrary in general to its bases, and having an injurious influence, that is contrary, to wit, to articles 17 and 18 of the statute concerning reviling, &c.

From this order the accused took his appeal, upon which was published, the 10th of September, 1851, No. 2485, the judgment of the council of the court of appeals, in this place, by which his said appeal was rejected, the order from which he appealed affirmed, and the articles 17 and 18 of the law concerning reviling, &c., were applied. And of this judgment, the same accused prayed the reversal, and the areopagus published, on the 20th of December, 1851, its judgment, No. 117, by which it reversed the said order, No. 2485, of the court of appeals, in so far as concerned the application of article 18 of the law

*Mistake for G. Bellius.

concerning reviling, but denied his prayer of reversal of the same order, in so far as regarded the application of the article 17 of the said law.

In pursuance whereof, the case in question was brought before the court of correctional police in this place, the 22d of February of the present year; trial being had, the said court, by its sentence, published the same day, No. 704, adjudged the aforesaid Jonas King, born in Hawley, in America, and residing in Athens, guilty of violation of articles 17 and 18 of the law concerning reviling and concerning the press; and, by the same judgment, sentenced him to fifteen days' imprisonment, to the costs of trial, to be collected by the committal of his person, and further ordered his banishment from the territory of Greece, after the execution of the sentence of imprisonment.

Of this sentence the respondent convicted, King, prayed the reversal, for the reason that it was not true that he had mocked, or reviled, or used malevolent expressions against the eastern orthodox religion, and that he had not attacked the reverence due to religion in general, contrary to the articles 17 and 18 of the law concerning reviling.

The attorneys of the appellant, by their written motion, added the following causes of reversal:

1st. Because in the adjudicatory part of the first point decided, the "expressions" held punishable are not set forth in certain, nor the opinions and sentiments which are contrary to religion, in general.

2d. Because, as to the first branch of the offence found, the court expressly adjudges that "the calling of the mother of God simply a woman, and (affirming) that she bare also other children, and that the communion—that is, the body and blood of our Lord Jesus Christ—is bread and wine," are malevolent expressions, whereas these expressions are manifestly not malevolent, but are simply contrary to the dogmas and the traditions of our holy religion, which does not render these expressions punishable, because they do not imply any malevolence against our traditions and dogmas; so that the court of correctional police erroneously applied the 17th article of the law concerning reviling, &c., ruling that [the offence of using] malevolent expressions against the dogmas, &c., of the oriental orthodox church is committed whenever one simply expresses principles contrary to those consecrated by the dogmas.

3d. Because the areopagus has power to interpose in this inquiry, inasmuch as it is not called upon to find facts, but to determine the legal character of the facts which the court of correctional police considered, in assigning to them this or that legal character.

As to the second branch of the conviction: 4th. Because, by the judgment of the areopagus, No. 117, the decision of the court of appeals in this place, No. 2485, was reversed, in so far as concerned the application of article eighteen of the law concerning reviling in general and concerning the press, inasmuch as the areopagus considered that the decision reversed did not find any act provided against by the eighteenth article, and the decision was affirmed, in so far as regarded the application of the seventeenth article, so that there could be no *longer any charge* sustained or conviction pronounced, in virtue of article eighteen, first, on account of the reversal adjudged (by the areopa-

gus,) and, secondly, on account of the change in the nature of the prosecution; for, as the criminal charge now was, and could be, founded only upon the violation of the seventeenth article, the court below could not, lawfully, find a violation of the eighteenth article, which provides against an act altogether different.

5th. Because the court below found a violation of the eighteenth article, on account of new circumstances, not set forth in the indictment, and which, according to the opinion published, appeared at the trial, and the court below does not certify what those new circumstances were, and does not say from whence it derived (the proof of them;) whereas, from the record of the proceedings, it appears that not only nothing was said relative to this charge, but that the witnesses deposed to the same effect as they had deposed on the inquest, and that, from a comparison of the indictment with the opinion aforesaid, it is evident that the court below founded that opinion upon the same facts on which the councils had before acted, so that, as the areopagus did not then find set forth in the indictment any acts punishable by the eighteenth article, so now, also, it will not find such.

6th. Because the eighteenth article provides against the expression of principles, opinions, and sentiments contrary to the grounds of religion in general, whereas all the acts charged in the bill of indictment consist in expressions relative to the dogmas, &c., of the orthodox eastern church; so that this article was wrongly applied.

7th. Because, whether the judgment (of said court of correctional police) be considered erroneous, as to the application of both the articles, seventeen and eighteen, or of one of them only, the entire judgment must be reversed, inasmuch as in the latter case, also, the reversal affects the whole judgment, which sets forth, as a substantive ground of conviction, the adjudication of the second finding of guilt, (viz., under article eighteen,) and the sentence imposed by the court of correctional police is founded upon the violation of both the articles seventeen and eighteen, and the areopagus has not the power of apportioning the measure of punishment imposed for the violation of the one of these articles, the court which judges of the *fact* alone possessing this power.

As to that part of the sentence by which the exile of the respondent from the country was ordered: 8th. Because the facts upon which this branch of the sentence was founded, ought to have been distinctly found by the original judgment, which pronounced the respondent guilty, inasmuch as, after this finding, nothing can be urged except with regard to the application (degree) of the penalty, and the question of the existence or non-existence of substantive facts affecting the kind of penalty to be imposed, is no longer open; and, in the present case, not only did the court of correctional police, in the adjudicatory part of their said original judgment, fail to find that the respondent is, in his behavior and conduct, pre-eminently dangerous to morals, but did not, even in the recitatory part of said judgment, make any suggestion to this purpose.

9th. Because, according to article thirty-four of the penal code, the surveillance of the police is imposed upon natives, (which is of the same effect *as the exile of aliens from the* country,) when both by their

manner of life, their character, and their conduct, they would be pre-eminently dangerous to the common safety and to morals; and in the present case the court of correctional police does not declare, first, that the respondent is dangerous *also* by his character, (which was a necessary requisite, because the three things contemplated by the law are required for the application of it, as appears from the use of the conjunctive "both"—both by manner, character, and conduct;) and, secondly, that the respondent is dangerous to the common safety, whereas the law requires that the party convicted be dangerous to the common safety *and to morals.*

10th. Because, by the original judgment of the court of correctional police, it is not found that Mr. King attacked morals; so that the court could not modify the form of conviction so as to apply exile, nor is there any mention made concerning *good* morals, which the law supposes.

11th. Because Jonas King, *first*, as an American, *second*, as American consul, could not be exiled from the country, by virtue of the treaty between America and Greece, the 10th and 22d December, 1837.

Having heard the arguments of the reporting judge, A. Bulgaris, the attorneys of the appellant, and the attorney general, having deliberated according to law, as to the first cause of reversal; whereas, the court which judged of the fact, in the adjudicatory part of the judgment appealed from, sufficiently specifies the character of the punishable act provided against by article 17, of the law concerning reviling in general, and concerning the press, and pronounces the appellants guilty of this act, and in the recitatory part sets forth with certainty the facts upon which it founded its conclusion, which facts it was not bound, on pain of reversal, to repeat in the adjudicatory part, it being sufficient that there be contained therein the conclusions flowing from the facts set forth in the recitatory part.

As to the second.—Whereas, the court of correctional police of Athens, having in its sovereign authority weighed the actual facts, did conclude that said facts do constitute the crime provided against by the said article 17, the areopagus cannot interfere in the determination of those facts, since the legal character of the act is rightly defined.

As to the third, fourth, and fifth.—Whereas, as appears by the opinion of the areopagus, No. 117, of the last year, Jonas King was sent down to be adjudged guilty of the punishable act provided against by the said article 17, of the law concerning reviling in general, and concerning the press, and the article 18 does not contemplate simply circumstances in aggravation of the act defined by article 17, but provides against a substantive and independent offence, therefore, the court of correctional police of Athens could not convict Mr. King of a violation of article 18, because, as appears from the record of the judgment appealed from, he was held for trial upon the bill of indictment, found by the council of the court of appeals, as amended (by this court,) and as the reason upon which the court below founds its judgment *(pro tanto,)* namely, that on the trial circumstances appeared, from which it found (was persuaded of) a violation of the article 18, is, in this case, erroneous, because, though the courts (in pays) can take into consideration circumstances which appear upon trial, yet this is only in the way

of aggravation or mitigation of the offence charged, and not when they constitute a substantive punishable act, in respect of which there is no presentment as required by law, and, consequently, the respondent is not put on his defence in that behalf, and, for this cause, the judgment appealed from is reversed, *pro tanto*.

As to the sixth [and seventh.]—Whereas, even though the said judgment, as has been said, is erroneous, as to the application of article 18, it is, nevertheless, none the less sustainable as to that of article 17, because the offence found, so far as regards this article, rests upon actual specific facts, and is correctly characterized (designated or described) according to the terms of the law, consequently, the entire judgment cannot be reversed; but the areopagus, affirming the same, as respects the conviction under article 17, and no specific punishment having been imposed for the violation of article 17, ought, in accordance with the sense of article 500, of the code of criminal procedure, to apply the proportionate remedy defined by law.

As to the seventh, [eighth.]—Whereas, the provisions of article 37, taken in connexion with article 34, of the penal code, have no respect to the element of criminality, in the criminal act imputed to the person accused, but merely specify a consequence of conviction, in case where the criminal court is persuaded that the person already convicted is, from his manner of life, character, or his conduct, pre-eminently dangerous to the common safety, or to morals; therefore, the motion for the banishment (of the respondent) from the Greek commonwealth, was rightly made and considered, after the public adjudication of the guilt, (of the respondent,) during the consideration of the application of the penalty, and the facts disclosed on which the court grounded its belief that there existed a legal case of banishment of the respondent convicted, from the Greek realm, were duly set forth in the sentence ordaining the application of the punishment.

As to the eighth, [ninth.]—Whereas, from the logical and legal sense of article 34 of the penal code, it undoubtedly appears that it is not necessary, for the application of this article, that the person adjudged guilty should be, from his manner of life, *and* character, *and* his conduct, pre-eminently dangerous, both to the common safety and to morals—that is, that all these circumstances should co-exist together; but it suffices that one of them exist, and that the person convicted should be pre-eminently, either from his manner of life, *or* from his character, *or* from his conduct, dangerous to the common safety or to morals; and, in the present case, as the court *in pays* find that the appellant is, as to his manner of life and his conduct, pre-eminently dangerous to morals, therefore the law was correctly applied.

As to the ninth, [tenth.]—Whereas, in the sentence prescribing the application of the penalty, where the same was requisite, it is found that King "attacked morals," and this manifestly means *good* morals; and—

As to the last, [eleventh,] cause.—Whereas, this cause of reversal, namely, that King is an American and consul of America, was not moved at the trial, consequently the *areopagus* ought to assume that the appellant formally *waived this plea; but*, even in the contrary case, this *objection involves a question of fact which*, as such, ought to have

been raised before the court *in pays*. But from the record of the session of the court of correctional police, in this place, the 22d of February, 1852, it appears that the appellant did not take this exception; therefore it is inadmissable as now taken, for the first time, before the areopagus.

Now, for the causes aforesaid, the court here, considering articles 34 and 37 of the penal code, and article 82 of the code of criminal procedure, reverses the judgment of the court of correctional police in this place, No. 704 of the year 1852, so far only as thereby Jonas King was adjudged guilty of the violation of article 18 of the law concerning reviling in general and concerning the press, denies the prayer of said Jonas King for reversal of the same, so far as respects the remainder of said judgment; and affirms the aforesaid judgment of the court of correctional police of Athens, as respects the conviction of said Jonas King, for that he, in the years 1850 and 1851, in this place, in public discourse and teaching, attacked, by malevolent expressions, the dogmas, the ordinances, and the customs of the eastern orthodox church, contrary, to wit, to article 17 of the law concerning reviling and concerning the press; and by virtue of this said article—which provides "imprisonment for a term not exceeding three months, and, on a second conviction, not exceeding six months, is inflicted upon him who, in public discourse, in writing, or by symbolical representations, attacks, by contemptuous mockery or malevolent expressions, the dogmas, the ordinances, and the customs of the oriental church, or of other religion existing with the consent of the government"—sentences the said Jonas King to fourteen days' imprisonment, and to the costs taxed in the court of correctional police, to be collected by the commital of his person; affirms the same judgment of the court of correctional police, as to its sentence of banishment of the same Jonas King, as an alien, from the Greek realm; orders that the present judgment be written on the margin of the original of that reversed, in so far as regards the part reversed, and that the same be published, through the press, at the expense of the public, upon which it imposes the duties on the stamps; and further orders that the moneys deposited be returned to the appellant.

Adjudged, determined, and published at Athens, this 13th (27th) of March, in the year 1852.

The President:

G. A. RALLES.
A. POLYZORDES.
P. SPELIADES.
P. PAPARAGOPOULOS.
J. G. N. MAMOMATES.
K. J. ŒCONOMIDES.
A. BULGARES.
G. KOUTOPOULOS, *Clerk.*

A true copy. Athens, 26th March, (7th April,) 1852.

ENS. CONSTANTINIDES,
Under Clerk.

[L. S.]

N.

The several specifications of the general charge upon which Dr. King was tried, convicted, and sentenced, with the evidence applicable to each.

Preaching publicly:

1. That baptism is nothing other than a simple symbol, and consequently it is indifferent whether one be sprinkled or immersed; and—

7. That holy baptism is no other than an external sign for Christians.

Evidence in support of the 1st and 7th specifications:

Demetrius Demakes deposes that Dr. King taught "that we wrongly believe that by baptism the sins of man are washed away," (p. 83.)

John Restamopulos, "that man, even if he washed in the rivers, cannot be purified from his sins; consequently, according to his ideas, which all Europe had received, sprinkling is more correct than baptism, [immersion;] or, that if it be wanting altogether, it is indifferent. As, for example, he stated that as it is indifferent whether a general has a small or a large standard, so likewise it is indifferent whether a person be baptized [immersed] or sprinkled," (p. 99.)

Alexander Lycurgus, [testimony entirely hearsay,] that the respondent "uttered * * * * blasphemy against baptism; that it is not a mystery, and consequently it is no matter whether a person be baptized or not," (p. 137.)

2. That they that eat a little bread and drink a little wine are foolish in thinking that they shall be saved by this communion.

Demetrius Demakes deposes, that the respondent said that "the wine and bread are not changed in substance, as we think, into the blood and body of Jesus Christ, and, for this reason, a man may, under all circumstances, commune freely," (p. 83.)

George Glines, that he "touched lightly upon transubstantiation," and said that "it (transubstantiation) does not present, as we understand it, the body and blood of Jesus Christ," (p. 88.)

John Paeonides, that "transubstantion is nothing but simply a type, in remembrance of the Lord's Supper, and in remembrance of his death, and not his body and blood," (p. 93.)

Demetrius Sakellarius, that "speaking about transubstantiation, he (Dr. King) does not believe that the bread and wine are changed into the body and blood of Christ, but that Jesus Christ gave this command in simple remembrance of his sufferings," (p. 106.)

3. That the most holy mother of God is not ever-virgin.

Demetrius Demakes deposed, that "once, *in private*, when he (the deponent) asked him what were his opinions of the mother of God, he told me, (both he and his wife,) that we ought not to call her mother of God, and that she did not remain a virgin, because she bare other children also, as he argued from the Gospel according to Mark, chapter 6, verse 1," (p. 83.)

George Glines, that "he inveighed [bore down upon] unreservedly, and without the slightest precaution, against * * * * the mother of God," (p. 88.)

[This witness does *not state the language* used by the respondent in "*inveighing*" *against the Theotokos.*]

John Paeonides, that "concerning the virgin, [all-holy,] he (the respondent) believes that she bore Christ, and according to the flesh, as man, but not according to essence; arguing that Christ, in respect to his humanity, was without father, but in respect to his divinity, without mother; and that afterwards she lived with Joseph, as a woman," (pp. 92, 93.)

Emanuel Demides, that the respondent "attacked * * the mother of God and her virginity," (p. 102.)

Demetrius Sakellarius, that "concerning the mother of God, he said that we ought not to call her mother of God, because in no part of scripture is this epithet used, but mother of Jesus Christ," (p. 105.)

Alexander Lycurgus, (hearsay,) that "he uttered blasphemy against the mother of God, saying that she ought not to be so called, but mother of Christ," (p. 137.)

4. That they who worship her, as also the other divine images, are idolaters.

Demetrius Demakes deposes, that he heard the respondent "inveighing against the sacred images, saying that we should not reverence them," (p. 82.)

George Glines, that "he inveighed unreservedly, and without the slightest precaution, against the holy images. * * * And against the images and the cross, he said that they ought not to be worshipped," (p. 88.)

John Paeonides, that "he (the respondent) does not approve of the worship paid to her, (the virgin Mary.) This I heard in a discourse after dinner. Likewise, he does not approve of the honors ascribed to the images," (p. 93.)

Emmanuel Demides, that "he cited, as an authority, a passage of Epiphanius, in which he says, 'Let no one worship Mary.' * * In another teaching, taking as his theme the epistle of Paul, I think, in which, addressing the Athenians, he said that he saw them to be very superstitious, he attacked the holy images, insisting that the said passage means this also—that is, he considers the Athenians superstitious, as having many objects of worship," (p. 102.)

Demetrius Sakellarius, that "he said that we should not worship or adore images, which is particularly forbidden by the second commandment," (p. 105.)

Alexander Lycurgus, [hearsay,] that "he misrepresents * * * the worship of the images of the saints," (p. 137.)

5. That he does not receive the sacred councils, and the things ordained by them, in matters of religion, and handed down by tradition to the later orthodox Christians.

Demetrius Demakes deposes, that the respondent, "in attacking the holy councils, said that they were organized by the emperors of those times, not for a religious end, but with a view to their political interests, and that the emperors made use of the confessing priests in order to learn the spirit and the objects of the people," (p. 82.)

George Glines, that he "inveighed unreservedly, and without the slightest precaution, against * * the holy councils, * * against *the councils* in three lessons, that their acts have no force and no *validity*," (p. 88.)

John Paeonides, that, "speaking generally, and not particularly, about the eastern church, he says that every church, whether in the east or in the west, not founded upon the holy scriptures alone, is mistaken," (p. 92.)

Emmanuel Demides, that "he attacks the holy canons and traditions of our religion. For instance," &c.—[Here follow several specifications, all of which are herein cited under the heads of accusation to which they are applicable.] "In like manner he attacked, also, several other of our ecclesiastical traditions," (p. 102.)

Demetrius Sakellarius, that, "speaking concerning the councils, he sometimes said that the first council strengthened christianity considerably, but afterwards they strayed, in order to oblige the emperors and to enrich themselves," (pp. 105, 106.)

6. That the fathers, and the saints of the orthodox oriental church of Christ, were deceivers, and thereby brought in divers heresies.

Demetrius Demakes deposes that he heard the respondent "always inveighing against * * the fathers, maintaining that the expositions which they gave of the scriptures are not correct; that God alone can interpret them. He, himself, notwithstanding, gave expositions, which he thought correct, and for this reason taught them to men," (p. 82.)

7. That holy baptism is no other than an external sign for Christians, (see 1.)

8. That those who observe lent are foolish.

Demetrius Demakes deposes that the respondent "attacked, likewise, fasts, (saying) that we ought not to fast, because that which we do is but a change of food, and not fasting," (p. 83.)

George Glines that "likewise he opposed fasts, saying that we ought not to fast, arguing from the passage, 'not that which entereth in, but that which cometh out,'" (p. —.)

John Paeonides, that "concerning lents, he says that they are nothing but a change of food; but fasting, as he understands it, should take place, not on days appointed, but (occasionally) according to the different circumstances in which Christians are placed," (p. 93.)

Emmanuel Demides, that "he spoke against fasts, (saying) that we ought not to fast," (p. 102.)

9. That many deceivers have come into the world, who have brought in many divers heresies among men, saying, "if a man sin, it is well that he give alms to the poor, that God may forgive the sin, and that he pray to certain men whom they call saints, that they may intercede with God for the forgiveness of (his) sins, and so forth."

John Paeonides deposes, that "as to what concerns the saints, he (the respondent) believes them to be in heaven, but does not approve of our considering them also as intercessors with Christ," (p. 93.)

Emmanuel Demides, that "he attacked the saints * * and the intercession of the saints," (p. 102.)

Demetrius Sakellarius, that "concerning the saints he said that we do not offer worship to them, which we owe to God alone," (p. 105.)

The foregoing extracts from the testimony of the witnesses for the prosecution comprise the whole evidence specifically applicable to any of the heads of accusation set *forth in the bouleuma* of the council, or bill of indict*ment.*

It is, however, in proof that the respondent spoke against the celibacy of bishops and monks, and the retirement of monks from the world; which, though not noticed in the bouleuma, nor proved or declared by the courts to be among "the things ordained by the councils, and handed down by tradition," is, as is well known, practised in the Greek church.

The evidence on this point is as follows:

George Glines deposes that the respondent "inveighed unreservedly, and without the slightest precaution, against * * the celibacy of bishops and monks, and the separation of monks from the world. * * Against the celibacy of the bishops and monks, and their separating themselves from the world, he said that it is in opposition to the text, 'increase and multiply,'" (p. 88.)

John Paeonides, that "the not marrying of bishops, and the separation of the monks from the world, not only he has not found in any portion of the scriptures, but they are in opposition to certain epistles of Paul to Timothy and Titus," (p. 93.)

Emmanuel Demides, that "on another occasion, taking as a foundation the passage 'increase and multiply,' he attacked the celibacy of bishops, and the separation of the monks from the world, calling them rebels (or apostates) from the Gospel," (p. 102.)

Demetrius Sakellarius, that, "speaking about bishops and monks, he said that the celibacy of the former, and the retirement of the latter, are not prescribed by the scriptures, but are particularly opposed to christianity. He maintained the opinion that they should be married, and in the midst of the world, and not separate from it," (p. 106.)

Alexander Lycurgus, [hearsay,] that "he misrepresents the celibacy of the clergy," (p. 137.)

In addition to the foregoing, the following vague general statements occur in the testimony of the witnesses:

Demetrius Demakes deposes that the respondent, "in general, in his teaching, perverts the doctrines of our religion," (p. 83.)

Emmanuel Demides, that he "takes passages from the Gospel, or from the Apostles, expounding which with great hypocrisy, he perverts their true meaning." * * * * "In like manner, he attacked also several others of our ecclesiastical traditions, endeavoring, however, always to conceal his aim, and assigning, as his principal object, the enlightening of erring nations," (p. 102.)

Alexander Lycurgus, that he knows that "the accused is opposed to our religion," and that he had heard from many persons that he "attacked and directly refuted our religion," (p. 137.)

The remaining portion of the testimony of the witnesses applies chiefly to the charge of proselytism, which was abandoned by the prosecuting attorney, and is not embraced in the bouleuma. For convenience of reference, however, and because it is believed that it influenced the minds of the judges, it is here given.

Demetrius Demakes deposes, that he believes that the respondent's "object is no other than that of proselytism." And the witness proceeds to argue the point, referring to his "regularity of teaching on appointed days and hours, in his private house, to persons having no connexion or acquaintance with him; to his private instructions and teach-

ings on every Thursday to those most devoted to him," [a circumstance of which there is no proof;] and declares that "when he saw that I frequented his teachings, and paid attention to them and showed devotion, he said that he would recompense me, since, as he observed, I received his words, and he incited me to communicate his doctrines to others also. He told me, moreover, that he recompensed also John Paeonides and D. Sakellarius," and that he [the witness] had been informed "that John Gougouses * * * is hired," (pp. 83, 84.)

He further states that "the said Paeonides, Sakellarius, and Michael Kalopothakes, not only endeavor to persuade [persons] to frequent the teaching of King, but also in the private room of Paeonides collect together other students, and expound to them the Gospel according to King's manner of exposition." That, at their instigation, I went myself to their teachings, and heard them teach the same doctrine, contrary to religion, as I mentioned above," (pp. 84, 85.)

George Glines deposes that the respondent had five or six hearers distinguished as regular, and "about ten others who appeared more regularly at the meetings;" that "the ten or twelve regular ones shared the principles of his doctrines, asserting that they did not meet in his teaching anything offensive, inasmuch as in his discourse he rests upon the scriptures;" and that, as he learns "from Kyriakoules, who learned it from Tzaxeres," "Paeonides teaches in his house like King;" "and prays like King, that is to say, without making the sign of the cross, and has his own forms of prayer, and not those received by our religion," (pp. 86, 87.)

John Paeonides, that "he said that his object was no other than to distribute the word of God, and to promote the reading of the scriptures, and to leave each one to judge the word of God according to his own ideas," (p. 94.)

Leonidas Kyriakoules details a conversation with Demetrius Demakes, [a witness for the prosecution,] to the effect, as stated above, in the extract from the testimony of Demakes, (pp. 97, 98.)

Emmanuel Demides states that he had heard from his "friends, Demetrius Demakes and Leonidas Kyriakoules, that the accused, besides his open preaching on Sunday, teaches also in the evening some who are considered as his proselytes, and who, in the meeting of the day, appear always more attentive and devoted, and, as Demakes says, it appears that King hires them for this purpose," (p. 103.)

Alexander Lycurgus, [hearsay,] that "he invited students, his friends and acquaintances, to listen, with the object of making them proselytes," (p. 137.)

George Melidones, that the respondent "asked him to become a missionary, that is, to change his religion, (the eastern,) and become an evangelist," (p. 138.)

John Restamopulus that, "from hearsay alone, he knows that he has, as proselytes, the sons of Geron, [or of an old man,] whom he pays," (p. 100.)

The fact of Dr. King's attempt at proselytism, and especially of the payment of money for that object, is denied, (pp. 94, 107,) by Paeonides and Sakellarius, *two of the alleged* proselytes, and the general *charge of mocking and reviling, or malevolently* attacking, the Greek

church is denied by all the witnesses for the defence, (pp. 139, 143.) In order to complete this collation of the evidence, I add the remainder of the testimony of the witnesses for the prosecution, however irrelevant to the issue, omitting mere matter of form and inducement.

George Glines deposes, that "until the carnival he (Dr. King) had twenty or thirty hearers. * * * * but during lent the number of hearers increased to one hundred and thirty, among whom were five or six constant ones, and about ten others, who appeared rather regularly at the meetings." Among the constant hearers he names Paeonides, a witness for the prosecution, (p. 86.)

During the testimony of Glines, when he referred to the fact that he had taken notes of Dr. King's discourses, but lost them, the presiding officer of the council produced a manuscript, (p. 89,) and asked the witness if it was of his composition. The paper was not read before the council nor at the trial, but the witness identified it as his own, said that he "had heard him teaching that, and, with the intention of addressing some questions to him, in order to show the falsity of his arguments, I drew up this memoir, so to speak, and went to his house that day to the meeting," (p. 89.)

Theagenes, a divinity student, had the same object, and anticipated the witness, and "addressed certain questions to King relative to his teachings. Wherefore I was silent, waiting by Theagenes, in order to help him if he should need assistance," (p. 89.)

Dr. King proposed to confine the discussion to the preaching of the day, "which had nothing reprehensible."

"Theagenes assented to this, and decently commenced the discussion of one example, which on that day King had advanced, calling himself, with much particularity, Abel, as telling the truth, but us Cain, because we wished on that account to injure him; thence he proceeded to the teaching of the preceding meeting, when his wife interposed, and prevented Theagenes from proceeding in his questions. On this account the hearers began to insist that he should talk that day. But King pretended that he wished to talk, but that his wife would not allow him. Whence there arose a small disturbance, and we dispersed."

He further states that Demakes, one of the principal witnesses for the prosecution, "feigned proselytism," and he refers to some others as capable of furnishing information, (p. 89, 90.)

John Pæonides deposes to the fact, which is not disputed, that Dr. King holds public religious meetings "on Sundays, at eleven o'clock, a. m., and at five o'clock, p. m.," on which occasions, "he takes as a theme a part of the scriptures, or of the Gospel, and interprets it in the presence of the hearers," and in the afternoon service, besides "reading a chapter of the Old Testament, he offers a prayer;" that Dr. King declared that "his aim was no other than to distribute the word of God, to promote the reading of the scriptures, and to leave each one to judge the Word according to his own ideas," (p. 94.)

The witness denies the fact of the payment of money by the respondent with the view of proselytism, and states that he [the witness] was in the habit of holding religious meetings in which he read a part of *the Old and* the New Testaments, at his own rooms, (p. 94.)

Leonidas Kyriakoules, that he "attended regularly on Sundays and

ok notes of the lessons;" "and when on my last visit, I wished to ask
n explanation, and to oppose him in his heterodox preachings, he sent
e away without even giving me an answer to my questions," (p. 96.)
The witness then produced a number of the "Age" for January 17,
851, containing a petition of his to the synod, detailing "what relates
the teaching of King." Also, another number of the same paper,
ntaining a confirmation of his statements, signed by another person.
either of these papers were read before the council, nor at the trial,
ither is there any statement of the purport of the articles referred to.
e states further, that other students, "having heard the teaching of
e respondent, repugnant to religion," petitioned the holy synod, by
eir memorial, "exhibiting exactly all that they had heard," which the
itness subscribed, (p. 97.)

John Restamopulus, that he asked the respondent to give him a Tes-
ament [Septuagint.] That King required a recommendation from the
eacher Constantinides, and said that the books, [meaning evidently the
Apocrypha] were not inspired, and quoted "St. Athansius, who men-
tions which are canonical." That he proposed to give the witness
"some of his own books, which were good," and inquired whether the
witness "went to his teaching," (p. 100.)

D. Sakellarius, that the respondent told him "that he did not hinder,
but received whoever happened to come" to his meetings, and that he
continued to attend the meetings, because he "saw that the preaching
was Christian and moral," and the witness "thence took occasion to
study the scriptures," (pp. 105, 106.)

The preceding testimony constitutes the entire evidence for the prose-
cution, and upon this evidence (for there is no pretence that there was
any other "confession of the respondent" than his admission before
the council on the inquest (D. p. 76) that "he did not deny the teach-
ing he practiced;" and it appears from the record of the proceedings
(p. 144) that he insisted that the "charge of reviling the Greek religion
was false") the court of correctional police, sitting in pays, finds the
specific allegations set forth on pp. 152, 153; and as a court of law,
the general conclusion, pp. 154, 155, that the respondent, "in public
discourse and teachings, attacked, by malevolent expressions, the dog-
mas, the ordinances, and the customs of the eastern church, and ex-
pressed such opinions, and principles, and sentiments as are contrary,
in general, to the grounds of religion, and are injurious to religion and
morals."

O.

Facts found by the Court of Correctional Police.—(L. pp. 151, 152.)

That the accused, in his public teaching, called by him preaching,
did not confine himself to the exposition of his text, according to his
religion, but going, of set purpose, beyond his proper sphere, did ma-
levolently revile our holy *canons, and the traditions* of the oriental
church.

1, 2, 7. Not admitting as mysteries baptism and transubstantiation, and—

1. Touching baptism, that it is indifferent, and—

7. Whether it be by immersion, or by sprinkling, (which he considers as more correct,) because the baptized is not purified by it from sin, and that those who think the contrary are foolish;

2. That the communion is only bread and wine, and cannot be any other than a simple type for remembrance;

3. That the mother of God is the mother of Christ, and simply a woman, who did not remain a virgin after the birth [of Christ,] but bare also other children;

4. That we ought not to worship her [the virgin;] that the worship of the holy images is idolatry; that * * * the mother of God can [not] mediate for us with God;

5. That, with the exception of the first council, the others were the invention of the emperors, for political purposes, and for this reason their acts are of no authority;

6. Nothing found;

7. See [1.]

8. That the facts * * * are contrary to the divine commands;

9. That we ought not to worship the saints, because they are simply men, and * * * * can [not] mediate for us with God, and that they who profess this are foolish.

Also, the following facts, not set forth in any of the specifications of the bill: That the accused taught that the celibacy of the monks and prelates is contrary to the divine commands; that in this teaching * * * * he had no other hearers but the children of the orthodox eastern church; that from his teachings scandal arose among his hearers, and on certain Sundays some of them undertook to refute him, but he was not willing to enter into a contest, and, in order to compel them to go away, he hoisted in his house the American flag; that besides the teaching on the Lord's day, at eleven o'clock, he received also in the evening, every Sunday, at a specified hour, some of his chosen ones, to whom he spoke concerning religion; and finally, that not seeing for some Sundays the witness, G. Meledon, he sent to him to know why he did not continue to come to hear him, and invited him to come, and also invited to this another witness for the defence, and, in general, he was pleased when he saw many hearers.

P.

Translation of a placard circulated and posted up in Athens on the day before the trial.

NOTICE.

To-morrow, Friday, the 22d of February, will be finally tried the *notorious* false apostle, Jonas King, before the court of correctional police at *Athens.* Therefore, all Christ-loving people who desire to be

present at this curious trial, can attend the said court at 10 o'clock, a. m., and hear this false apostle convicted of babbling against the mother of God, against the saints, against the images, and in general against all the mysteries, dogmas, and traditions of our holy church.

ATHENS, *February* 21, 1852.

Q.

Extracts from the statements referred to on page 53 *of the report.*

Statement 1*st*.—In respect to the order maintained in the court, there were, indeed, measures previously taken by the head of the police to keep some degree of quiet among the throng of by-standers, and the president occasionally expressed some determination to put them in force. Yet, had any documents been brought forward by Dr. King, or his counsel, (as had, I am informed, been their intention,) to prove that many, if not all, of the doctrines he was condemned for teaching and believing were taught and believed by the fathers of the Greek church themselves, I am disposed to think that all the authority of the court, and strength of police in attendance, might not have sufficed to restrain the excited mob from attempting violence to the person of the accused.

A crier of the court, in attempting to enforce silence upon some priests who were hooting and inciting the people to hoot at Dr. King, was obliged to call upon them to be still, and for so doing, his badge of office was taken from him, and he was turned out of the court-room by order of the president.

In the examination of the witnesses, the president of the court, in my opinion, evinced manifest partiality towards the testimony, to the prejudice of the accused, and towards those who so testified, whether their evidence was pertinent or not. On the other hand, I am equally convinced that the court manifested, through the president, a determination to browbeat the numerous and respectable witnesses for the defence—a course which, combined with the tumultuous applause, or the equally pronounced disapprobation of the audience, to a great degree encouraged by the supineness of the court, not a little disturbed the self-possession of the witnesses, and interfered with the fairness of the trial.

I shall not advert to the appearance of the witnesses for the prosecution, further than to remark the feeling they were permitted to exhibit, and the latitude of testimony in which they were indulged.

The attorney general, in arguing in support of the prosecution, was allowed a yet wider range. Not at all confining himself to the only legal proof which the court was competent to consider, he introduced several small books, one of them published near thirty years since in the United States, before Dr. King had ever touched the shores of Greece, another printed in the United States, and a third printed in Greece, in 1845. Of none of these did he even attempt to prove the authorship; yet he endeavored to argue from them, in support of the charge, that "during the years *1850 and 1851* Dr. King reviled the Greek religion *in public discourse.*"

In quoting extracts from these writings, he spent probably more than half of a long and violent address, and in this he was countenanced by the court.

Dr. King's counsel, though, as it appeared, somewhat influenced by the presence of the mob, attempted to refute the arguments of the attorney general, and objected that he had improperly cited the books in question, and erroneously moved the application of the 18th article of the statute. But they were interrupted by the president, who told them that they could not be permitted to say that the attorney general had spoken improperly.

So frequently, indeed, were the counsel interrupted in their argument, that one of them declared that he could not proceed thus, and that if he had uttered anything contrary to decorum, he ought to be punished, and not continually interrupted.

The respondent's counsel were also frequently disturbed by the vociferations of the audience, to suppress which the court did not, in my opinion, exert its full authority.

After the argument of Dr. King's counsel, the attorney general replied; and I believe the record of the court asserts, that an opportunity was given to Dr. King to speak in his own defence. Such was not the fact. The president immediately inquired of the counsel, whether *they* had anything further to add, and upon their answering in the negative, the president declared that the court had risen. Instantly Dr. King rose, and said that an opportunity had not been given him to speak in his own defence. The president replied, that such opportunity had been furnished to him, or at least, to his counsel, and seeing some papers in the hands of the respondent, told him to hand them to him, and the court would examine them, and take them into consideration in their deliberation. Dr. King insisted on speaking, or at least explaining, in a few words, the papers he held in his hands, and he did so for a few minutes, whilst the judges, who manifested much restlessness, remained standing, or presently dropped into their seats. But, into no regular defence did either the patience of the judges, or the noisy audience, allow Dr. King to enter, nor was his speech extended over the space of five minutes, I think.

Statement 2d.—I was present at the above mentioned trial, and did not leave the court room from the commencement to the close.

My opinion was, and is, that Dr. King has just cause to complain that he was not fairly dealt with, and especially in the following particulars.

One of the principal witnesses against him, Kyriakoules, conducted himself in the most disgraceful manner. Whether intoxicated by the spirit of wine, the spirit of fanaticism, or the spirit of vanity, he was surely not *sober;* but, on the contrary, wrought up to the highest pitch of excitement. Before the trial commenced, he was moving to and fro among the crowd, calling on his fellow-witnesses to come forward, as if he were the chief marshal of the day, and trying to intimidate, by threats, the witnesses of the opposite party; and all this with the wildest looks and gestures, more like a madman, than like one in his *senses.*

In giving his testimony he could not be made to address himself to

the court, and answer the questions put to him, but was continually turning to the audience and beginning to declaim violently against Dr. King, and to point out, by name, the witnesses for the defence as proselytes of Dr. King, with the evident intention of exciting the crowd of auditors. This was the man who had given occasion to the whole proceeding against Dr. King, by his letter published in the newspaper, giving a perverted account of Dr. King's preaching, and by getting up the petition to the holy synod, which led to Dr. King's presentation for trial.

Another of the witnesses, Melidon, also showed evident symptons of a violently prejudiced, if not disordered mind.

The attorney general, in his argument against Dr. King, seemed to me to proceed improperly, in introducing as evidence three books published in Dr. King's name, one of which was published before Dr. King was resident in Greece, and all before the period embraced in the indictment.

It seemed to me unjust that Dr. King was not permitted to speak in his own defence at the close. Whether, in the excited state of the audience, it would have been prudent for him to have said all he had purposed or not, it is certain that the presiding judge did not allow him to say what he wished, and the little he did say, was said under the disadvantage of repeated interruptions from the president, and, in a manner, in spite of the court.

R.

Case of the Rev. Jonas King, Greece.

Orgies performed in the Rites of Marriage and Baptism.

The enemies of Mr. King's mission, finding that they could not prevail against him, by any lawful means, had recourse to lying; and of all the false witnesses that came, a man by the name of Simonides, who had spent some years with the monks on Mount Athos, was the principal.

Wednesday, the 28th of July, 1847, an article appeared in "The Age," one of the first newspapers in Athens, called "*The Orgies*," and signed by Simonides, stating that he was present at Mr. King's house, on certain nights, when these orgies were performed by Mr. King, and that he (Simonides) had been an eye-witness of the whole, and was ready to be examined on the subject by any court of justice.

In this article he confined himself to the orgies of marriage and baptism. He gave the names of five different couple of Greek proselytes, whom, he said, Mr. King had united in marriage according to these orgies, names unknown to Mr. King, and of people who, he presumes, are not to be found anywhere in or out of Greece. To these Simonides added the names of two other couple, who, he said, were about to be united in marriage, and these were persons who actually exist, and who had, at *various times, attended* Mr. King's Greek service on the *Sabbath.*

Simonides then proceeded to describe, with great particularity, thes orgies, which, he says, he witnessed, giving the day and the hour whe performed, and the exact number of persons present, as follows:

The Mystery of Marriage.

The 14th of December, (26th, N. S.,) 1846, Saturday, at 11 o'clo at night, all the faithful proselytes, 25 in number, of whom five we males, and the rest females, being assembled around the table, a having prayed, according to their custom, after prayer arose, exce King and the five males, and taking ribbons which lay on the tabl went into a bedroom. After ten minutes they came out, arrayed white raiment, with locks dishevelled, and girded with red ribbons, a with their arms bare, except one, who was naked to the zone, a covered with a red transparent garment, with the feet bare, and t head covered with a golden veil, and who was led by two young dam sels with slow steps silently along, the rest following them, holding their left hand large lighted wax candles, beautifully adorned, and their right hand a piece of broken images. Coming, they stood befo the face of King, and of the other five, who prayed about five minute then kneeling down, they put their heads in their bosoms. Then Kin rising up, embraced them, and taking them by the hand, one by on raised them up, till all were risen. Then approaching the one havi the golden veil, he took her by the hands, and brought her to the ho ribbon. Both embraced her, and afterwards kneeling down, th prayed ten minutes; then they rose again, and stood speaking as ve triloquists. The rest lifted up their left hands, with large lighted w candles, dropped the pieces of the broken holy images from their rig hand before their feet, and trod on them with their right foot with ange showing them to the young damsel with the golden veil. The sam instant they arose, and the men, embracing King and the ladies, r mained standing near the ribbon. King approached the table, a taking a golden garment, and approaching the young men, covered t one in the middle, and again returning, took the young damsel by t hands, and remained motionless. The young man, proceeding to t bed chamber on the right, came out with a red golden bordered ga ment, and a green girdle, having his head and feet uncovered. As approached, King took him by the left hand, and brought him befo the altar, together with the young lady. Then the other young wom and men fell on their faces to the earth, except two, who played exciting hymn with cymbals. King, taking the large wax candle ne by, (which belonged to the young damsel,) after a prayer, knelt dow and with a loud voice said, "Great God, save them." The cymb confused the voice. Then all arose, and taking the candles and t broken images, approached the altar, dancing and singing like maniac But while they were singing, I saw King suddenly raise his hand holding a piece of broken image, which he afterwards put on the alt and pouring upon it spirits of wine, put near it a lighted candle. Th I saw the image burning, by means of the spirits of wine, and I hea *him anathematize* those who worship them. After two seconds, t *other females*, at his beck, threw down the pieces which they held, a

they also anathematized, as he did, with a loud voice. Then King, lifting up his voice, said, "Thus shall God burn all who worship them." Afterwards he took oil, and anointed an image of the mother of God, which was very small; he said: "Let us consecrate it as your foolish fathers have done, and see if it will not burn." Immediately he threw it into the flames, and the music of the cymbals commenced. Then King, laughing, said ironically: "Behold the woman, called by your fathers the mother of God, how she burns, though consecrated. All shall be burned who believe such things." Then came a girl, twelve years old, who brought on a waiter bread and wine, and gave it to him. King, taking the bread, cut it, and poured upon it wine. Then kneeling down, with the waiter in his hands, after five minutes he arose, and going around the altar twice, cast a part of it into the flames, and said: "Burn those who believe that this is body and blood." Then, casting a part of it on the ground, he said: "Give into the hand of aliens, those who believe this to be body and blood, that they may come together." Then, throwing a part of it into the air, he said: "Destroy them from the face of the earth, because their impiety has gone up even to heaven." But, with the remainder, he anointed the cheeks of the proselytes, saying: "Save and preserve these, who know thy truth." Then immediately began a dance around the altar, and after the dance, blasphemies against the orthodox church, and after the blasphemies, King caused the young man with naked feet, and the young damsel with the golden veil, to swear upon the holy ribbon that they would remain firm till the end of their lives, for, should they do otherwise, they would be punished with the death of God. While they were thus being sworn, the others prayed. After the oaths, King brought the young man and the young woman to the altar, and taking the right hand of the young man, he placed it upon the left breast of the young woman, and the left hand of the young woman upon the head of the young man, and he placed at their feet an image of the mother of God, which, at his command, they trod upon, the young man with his left foot, but the young woman with her right. Then King, with the other faithful, embraced them on the cheeks.

Then they danced around them about ten minutes, singing and playing on the cymbal, and, after the dance, King took two red ribbons, and put one on the head of the young man in form of a circle, and the other on the head of the young woman in form of a square, saying: "I unite you according to the flesh, as you wish, that you may give seed to the glory of God," and immediately began the music of the cymbal, hymns, and dance, which continued about half an hour. After this they rested, drinking wine of a delicious flavor, and immediately after the potation, all the young women, dancing, led the young woman into the bed chamber, but the young man, King, and the other men, led, and, with shouts, put them in a bed near by. Returning to the gallery, they sung and danced about half an hour, and while they were yet dancing, King entered alone into the bed chamber, clothed the bridegroom and the bride with flaxen colored raiment, and brought them out into the gallery. *Then* they took the Gospel, which King *expounded and explained.*

After this they sat down at the table near by, and ate the wedding cake, &c., and then, embracing King, they went away. After their departure, while I was thinking of all I had seen and heard, King approached me, and, all joy, said: "How is my soul rejoiced at this divine marriage! O, how much I desire to see you also in bed with some bride! Everything will I sacrifice for you; it seems to me that I should gain the world, if I could persuade you, and bring you into the right way." Then I remained silent; but, after a little, I asked whether the married couple have parents, what are their names, and if they know this. But he said to me: "The young man only has parents, but what are their names I cannot tell you, unless you take the oath." This we said, and I went away. But, as I went away, he begged me to come the next day, that I might be present at another of his mysteries, and with sweet words and with a present of money, he sought to lead me astray; then I bid him good bye, without showing coldness, and went away.

The Mystery of Baptism.

The next day, which was the 15th of December, (27th, N. S.,) 1846, I went to his house, (for I had determined not to be absent a day, till I learned all his secrets,) at 2 o'clock, p. m. I found of the catechumens thirty sitting, and King standing and having in his hands the Gospel, and explaining it away according to his custom. Listening with attention to what was said by him, I took notes of it, and was silent till he ceased teaching.

The teaching having ceased, and the greater part having gone away, he approached me and ironically said to me, "Why are you so thoughtful to-day? Has the beauty of some young damsel excited you?" Then I said to him in a fierce tone, "Be quiet and do not trouble me." Then he began to flatter me, until he had quieted me, amusing me with different kinds of conversation, till 4 o'clock, till I went away to my house.

At 9 o'clock in the evening, I went again to his house, at his request, and expected to see some other secret, as I had heard from the same. Twelve minutes passed, and behold there came sixteen young damsels of most beautiful countenance, of whom three appeared to be in the family way, and two young men; among them was also a little child, about six months old, which the mother held in her arms covered, and which King caressed. Then he took a bell and rung it, and all the proselytes assembled and sat down around the table, reading and praying. Then they arose, and embraced King three times. Then King knelt down and prayed. After the prayer he put on a white robe and girded himself with a leathern girdle; then he entered into the bed chamber on the right in his house, and brought out dry grass, which he scattered in his gallery; then entered a second time and brought out a baptismal font, hectagonal, encircled with leaves, and poured into it spirits of wine, then held to it a lighted candle, and let it burn till the flame ceased. Then he took the child from the arms of its mother and gave it to another young woman, and she to another, and so on till all had received it. The mother then *bound it about* the middle with a white ribband, after having taken off *its clothes, and,* kneeling down, gave it to King, saying, "Enlighten

the soul of the child." Then King took it, and embraced it, cut off a lock of its hair, which he gave to the mother, saying, "Burn it, and swear upon it, in the name of the great God, that you will bring up and teach this innocent child as I have taught thee." Then she took the lock and cast it into the fire that was near by, and swore thus, repeating after King, "I swear, in the name of the great God, whose power and wonderful works I have learned through the divine word, that I will deliver to this child all that I have been taught by the most pious King; that I will nourish it with the same divine doctrine with which I have been nourished; I will not permit it to enter into the temples of idols, nor worship the works of men's hands; I will not allow it to confess to erring priests, nor receive at their hands the bread and wine, which, they say, and will have, is the body and blood; finally, I will guard all thy precepts, and should I transgress in anything, may I be burned, as the lock of this child is burned, and may I be condemned to everlasting fire."

After the oath, King took a large vial, which was full of odoriferous spirits, which he poured around the baptismal font, and then lighted with fire; and he gave to the child to drink something sweet, and it immediately went to sleep. After this he put it in the baptismal font and prayed, saying, "Enlighten, O God, this child, that it may know the divine word, that it may worship Thee, the true God, and not creatures." This he said four times, carrying the child five times swiftly around the baptismal font, and over the fire. Then he gave it to its mother, who stood and held it with respect and admiration. But King, kneeling down, lifted up his hands and bowed his head, and thanked God, saying, "I thank Thee, my God, that Thou hast heard me." Then immediately rising up, he took the child in his arms, kissed it on the mouth, and gave it to drink something which had the taste of lemonade, and anointing its head with a color like gold, and sweet scented, he rubbed the head of the child till it awaked. Then all the proselytes encircled him, and embraced the child, one by one. After this, the three women in the family way clothed it and gave it to its mother, embracing her also, once on her forehead, and four times on the bosom. Then they sat down around a table and feasted, after King had put off the holy garment, and afterwards they went away. After their departure, I went out of the gallery and thought. I decided to go away, taking leave of King in a cool manner; but King, observing my coolness, sought to bring me back, as if he wished to say something to me; but as I had already proceeded as far as the outer gate, I said to him, "Another time, for I am drowsy," and so I departed.

K. SIMONIDES.

It is hardly necessary to remark, that the whole is so gross, and bears so much upon the face of it, from beginning to end, the stamp of an abominable lie, that no intelligent reader can be supposed for a moment to believe it. Nor would it have been considered of any importance had it not been attended by consequences very serious to Mr. King, both on the part of the people and of the Greek government, which immediately on the *appearance of the* above article prohibited his *preaching.*

Mr. Marsh to Mr. Webster.

VIENNA, *October* 30, 1852.

SIR: To my report of August 21st, upon Dr. King's claim against the government of Greece, for depriving him of his right to the use and disposal of his lands at Athens, I attached a copy of a letter written by that gentlemen to the minister of foreign affairs, soon after my arrival in Greece, and stated that no reply had been received at the time of the preparation of the report.

Dr. King has just forwarded me a copy of a note from the minister of foreign affairs to the directory of administrative police at Athens, which was officially communicated to him on the 2d (14th) October, 1852, and is probably to be regarded as the answer to his letter above referred to.

From this note, a translation of which I annex, it will be seen that the government appears no longer to insist on the pretence set up in a letter from the minister of the interior to the minister of foreign affairs, (annexed to the report, and marked —;) that proper steps had been taken by the government to fix the amount and proportions of the liability of the neighboring proprietors and of the demus to contribution, and that the result had been communicated to Dr. King; and I am fully persuaded that the statement of the minister of the interior to that effect was absolutely without foundation.

The ambiguity with regard to the purpose for which the land was taken is still kept up, the word "square" applying as well to the square of the church of the Saviour as to the square of the people; and the ground, never before assumed by the government, that Dr. King ought to establish his claim against it judicially, is now formally taken.

I presume that the government has become satisfied that its objections to the validity of the claim are untenable, and that it has determined to shelter itself, hereafter, by referring the claimant to a tribunal upon which it knows it can rely, rather than by the repetition of arguments which are evidently fallacious, and the assertion of facts which have no foundation in truth.

The "persons expressly mentioned in articles 22, 23, and 24 of the royal ordinance of the 12th November, 1836," are simply "the demus and the neighbors," the former being liable for the central, the latter for the exterior, portions of the land taken for the *wide* streets and public squares; but the law points out no means whatever of determining who the "neighbors" are, and of course some preliminary steps must be taken by the government to fix the persons, and the amount which each is bound to contribute, before the claimant can have any legal remedy against them, even in cases where the ultimate liability rests clearly on them, and not on the government—which, however, is not admitted in this instance.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER,
Secretary of State.

[Translation.]

[No. 18,299.] KINGDOM OF GREECE.

The Ministry of the Interior to the Directory of Administrative Police of Athens, &c.

SIR: You are commanded to inform, in writing, Mr. King, a citizen of the United States of America, residing in this place, in answer to his petitions to the ministry of foreign affairs, that the government does not acknowledge itself responsible for an indemnification to him for the part of his lot of land, called Philadelphia, which, according to the approved plan of the city, is taken by the streets and a square, and that for this he must apply to the persons by law charged with this indemnification, who are expressly mentioned in articles 22, 23, and 24 of the royal ordinance of the 12th November, 1836, concerning the execution of the plan of the city of Athens; and, further, that if he thinks that he has any manner of right of claim against the government he must substantiate the same in a judicial way, if he considers such claim legal.

The communication hereof, sir, you will make, observing strictly the legal forms.

The minister, RIGAS PALAMIDES.

ATHENS, *October* 1, (13,) 1852.

A true copy:

P. J. GIANNAKOPULAS,
Clerk of the Directory of Administrative Police.

ATHENS, *October* 2, (14,) 1852.

Mr. Marsh to Mr. Webster.

[Extract.]

VIENNA, *November* 1, 1852,

SIR: * * * * * * * * * * * *

The opinion of the twelve lawyers, which accompanied my dispatch of October 9, having become publicly known at Athens, the gentlemen who subscribed it were assailed with great virulence by the Age, and some other papers, and they have thought it necessary to enter into a defence of themselves, by publishing an argument in support of the opinion they had expressed.

Dr. King has just forwarded me a paper containing this defence, and I enclose herewith a letter from Dr. King, and a translation, by myself, of the argumentative part of the article. It will be found somewhat important, as fully confirming the views I had expressed in regard to the legal character of the judgment of the court of correctional police, and the powers and duties of the court of areopagus.

The authorities, two, cited *in the defence* from French jurists, will be thought *entitled to no small consideration*, when it is remembered

that the areopagus, though corresponding in its general attributions to the higer English and American courts of judicature, is almost precisely analogous in its functions to the French court of cassation, the organization of the superior and inferior tribunals, as well as most of the forms of procedure, and of the provisions of the criminal law of Greece, having been taken with little or no alteration, from the French codes.

The argument seems to me by no means destitute of ability, though the writer, perhaps, goes too far in admitting, that a conviction under the 17th article, could be sustained upon a general finding, that the respondent had made use of malevolent expressions, &c., without setting forth such expressions in certain.

I have no doubt whatever, that the conclusions of the writer, as to the general question, are adopted by almost the entire profession in Greece, and I believe they will be sanctioned by the unanimous voice of European jurists.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. DANIEL WEBSTER,
Secretary of State.

Translation of the argument referred to in the accompanying letter of George P. Marsh, dated November 1, 1852.

The statute, which, according to the judgment of the court of correctional police, Jonas King has violated, says:

"Whosoever attacks by contemptuous mockery, or *malevolent expressions*, the dogmas, the ordinances and the customs of the oriental church, or of [any] other religion [or sect] existing with the consent of the government, is punished," &c.

The court of correctional police, in its conviction of Jonas King, resolved, simply and unequivocally that Mr. King's bare heterodoxy, and denial of the dogmas of the oriental church, respecting the mother of God, and the mystery of the communion, was a malevolent expression in attack of the dogmas of the oriental church.

Here is the adjudication of the court of correctional police on this point in its own words:

"Whereas, from the things [above] briefly set forth, and their connexion with one another, it sufficiently appeareth, and this court doth find that the respondent, Jonas King, in the years 1850 and 1851, at Athens, to wit, in public discourse and teaching, did attack by *malevolent expressions* the dogmas, the ordinances and the customs of the oriental church; and the calling of the mother of God a mere woman, and [affirming] that she bare also other children, and that the communion, that is to say the body and blood of our Lord Jesus Christ, is bread and wine, are indisputably *malevolent expressions*," &c.—(See the judgment of the court of correctional police, No. 704, A. D. 1852.)

The statute, in virtue of which the reversal of this judgment was *moved, says*: "if no punishable act appears, the areopagus, upon a *motion for reversal*, fully acquits the party convicted."

We ask, then, not the legal intelligence of the age, and its prompters, but any man possesed of plain common sense, to tell us, whether the bare denial of the dogmas of the oriental church, uttered by one of heterodox sentiments, or, on the other hand, the bare denial of the dogmas of any other sect existing in Greece with the consent of the government, uttered by one of the orthodox faith, is a *malevolent expression*, and can possibly constitute the punishable offence of which Jonas King was convicted? Away with such blasphemy! for, if so, not only all heterodox Christians, all Mahometans, all Israelites, and in general all of heterodox belief, whose religion the Greek government tolerates, and does not forbid its external worship, but all we orthodox Christians, are exposed to criminal prosecution and actual conviction, for this reciprocal attacking of each other's heterodox opinions, inasmuch as it is sufficient to prove, that we deny, each, the dogmas of the religion of the other, and this simple denial suffices to make us guilty of a *malevolent expression* against the religion of each other.

But the areopagus, they say, cannot interfere in the matters in pays of the prosecution. This is undeniable. Who has affirmed the contrary? Who has said to the areopagus—"examine the facts found by the judgment of the court of correctional police, and decide that Jonas King did not deny the dogmas of the oriental church respecting the mother of God, and the mystery of the communion?" On the contrary, the council for the defence said to the areopagus, in conformity with the law, "Treat it as an admitted and settled fact, that Jonas King did deny the dogmas of the oriental church, as found by the judgment of the court of correctional police, and then, upon this admission, adjudge whether such denial constitutes a *malevolent expression*, and accordingly, whether the statute, the application whereof is the point in question, has been violated."

The areopagus then was not moved to enquire into the matters in pays involved in the case, but it was asked to determine upon the proper or erroneous application of the statute. Instead of doing this, however, it answers: "Whereas, the court of correctional police, weighing in its soverign jurisdiction the facts established, held that said facts do constitute the defence provided against by the 17th article, the areopagus cannot interfere with the proof of such facts."

What facts? That the *denial of the dogmas* is or is not a *malevolent expression!* Is this a *fact*, or is it a *legal conclusion*, touching the construction, and right application of the statute? And why cannot the areopagus interfere with the establishment of this conclusion? Let us suppose for a moment that A is charged before a criminal court with the crime of murder, and, having been found guilty, is sentenced to death for murder; the facts, upon which the indictment and the judgment are founded, being, that the respondent, with a view of satiating his malice against his enemy, who had already deceased, from some natural cause or malady, seeing the corpse of that enemy laid out, rushed upon it, sword in hand and, by inflicting wounds upon the dead body, perpetrated the murder.

The reversal of this sentence is moved before the areopagus, and, as a ground of reversal, it is *urged that* this is not a punishable act. What *think ye, ye judical friends of the Age?* In such a case, the ques-

tion being identical in principle with that involved in Dr. King's case, would the areopagus resort to the same reasoning?

"Whereas, the court below, weighing, in its soverign jurisdiction, the facts established, ruled that said facts (that is to say, the inflicting of wounds upon the dead body) do constitute the crime of murder, provided against by the 288th article, the areopagus cannot interfere with the proof of said facts." That is to say, the areopagus cannot inquire whether the inflicting of wounds upon a dead body does constitute the crime of murder?

We have taken this strange and shocking example to show more clearly and forcibly the great absurdity of the reasoning of the areopagus, which amounts to a solemn recognition of the principle that the examination of the legal conclusions adopted by an inferior court upon facts found is not within its competence, so far as respects their accordance with the terms of the statute, in order to the application of the law. But perhaps those who are of the contrary opinion may say that the court of correctional police, weighing, in its sovereign jurisdiction, the facts found, that is to say, the denial of the dogmas of the oriental church uttered by Dr. King, resolved that such denial is a malevolent expression, constituting the offence provided against by the 17th article. But who can fairly deny that this resolution is not the finding of a fact, but merely a legal conclusion upon the facts, (the denial, namely, of the dogmas,) the adoption of which was necessary for the application of the law?

What answer ye to this, honorable teachers and prompters of the Age?

Observe the resolutions of the learned court of cassation of France as to the legal characterization of the facts found by the court below, sitting in pays.—Ledru Rollin, under the word *cassation*, (Mat. Crim.)

Article 465. Nevertheless it is the duty of the court of cassation to correct the false inferences and the erroneous conclusions drawn by criminal courts from the facts found by the judgment the reversal whereof is moved.—(Cass., 22d August, 1806, matter of Riva.)

Article 466. So, though a respondent is not allowed to deny before the court of cassation the existence or accuracy of the facts found by the judgment complained of, he is allowed to dispute in law the conclusions which the judgment draws from such facts.—(Cass., 23d November, 1827, matter of Ruault.)

Article 475. But we must nevertheless consider it settled, as matter of law, that the *character* ascribed, either by the council of inquest or by the correctional tribunals, to the facts complained of, does fall within the jurisdiction of the supreme court.—(Cass., 2d April, 1825, matter of Rory; 7th February, 1833, Garnier's case; 5th June, 1841, vol. 1., 1852, p. 653, matter of Ritchen.)

Article 478. That the court of casation may rule that an *assault* has been committed upon a magistrate by acts which the criminal court regarded as only an *insult* to him.—(Cass., April, 1826, matter of Rory; 29th May, 1813, Hudebert's case.)

Article 478. That a judgment declaring that such or such facts found do not constitute the offence of assault contemplated by the law may be *reversed by the* supreme court.—(Cass., 5th August, 1831, Roberti *case.)*

Had the court of correctional police, as is rightly admitted by the twelve lawyers, in their opinion, declared in its judgment that the denial of the doctrines of the oriental church was accompanied by malevolent expressions on the part of King, even though the same were not in certain set forth, the areopagus might well have said that it could not inquire into the proof of this fact, that is, the utterance of malevolent expressions, because such expressions, though not set forth, are matter of inquiry in pays, and such matter does not belong to the jurisdiction of that court. But as the court of correctional police, in the adjudicatory part of its judgment, specifically resolve that the "malevolent expressions" consisted barely and simply in the denial of the dogmas, it is indisputable that the areopagus, upon the principles we have urged, ought to have reversed the judgment, without any interference with the proof of the facts.

ONE OF THE TWELVE.

Mr. Marsh to Mr. Everett.

[Extract.]

FLORENCE, *March* 11, 1852.

SIR: On the 4th instant I received your dispatch, No. 24, of February 4, 1853, and immediately communicated the substance of it to Commodore Stringham.

I have now to acknowledge the receipt of your letter of instructions, numbered 24, and dated February 5, 1853, which has this day been delivered me by Mr. Miles, special messenger of the department.

Commodore Stringham, who was at this city on the 9th instant, has returned to Spezzia; and I shall forthwith communicate to him that portion of the instructions which relates to my conveyance to Athens by one of the vessels of the squadron under his command.

I shall leave Florence for Leghorn to-morrow morning, and hold myself in readiness to embark for Athens on board the flag-ship, or such other vessel of the squadron as Commodore Stringham shall order to receive me, at such time and place as he shall designate for that purpose.

* * * * * * * *

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. EDWARD EVERETT,
Secretary of State.

Mr. Marsh to Mr. Everett.

[Extract.]

NAPLES, *March* 31, 1853.

SIR: On the 11th instant I had the honor to acknowledge the receipt of your letter of instructions, No. 24, and have now to report that, as Commodore Stringham was not able to furnish me an immediate conveyance to Athens, I proceeded to this port, and propose to await his arrival here with the flag-ship, when I shall forthwith embark for Greece.

* * * * * * * *

I am, most respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. EDWARD EVERETT,
Secretary of State.

Mr. Marsh to Mr. Marcy.

[Extract.]

ATHENS, *May* 27. 1853.

SIR: On the 31st of March, I informed the Department of State that I was waiting at Naples for the frigate Cumberland, on board of which I expected to proceed to this capital, and I have now the honor to report my subsequent proceedings.

The Cumberland did not arrive at Naples until the 16th of April, and I embarked on the 19th of that month, and landed at the Piræus on the 29th. On Monday, May 2d, I called on Mr. Paicos, minister of foreign affairs, stated to him that I was instructed to put myself in communication with the government of Greece in relation to the difficulties between the Greek authorities and Dr. King, and asked to be presented to the king, in such form as the usages of the Greek court prescribe in like cases.

As I was not provided with letters of credence to his majesty, or to any department of the ministry, or with any testimonial whatever of my official character and powers, Mr. Paicos was of opinion that I was entitled to be presented only as a private individual; but as I thought the form of my presentation might be of some importance in reference to the question of my recognition by the department of foreign affairs as an authorized agent of the American government, I waived an audience for the time being.

I arrived at Athens during the festivities of the Greek Easter; and, as the custom-house was closed until their expiration, on Wednesday, the 4th of May, and some other objections were made by the collector to the passing of my baggage, I did not succeed in getting the trunk which contained the papers relating to Dr. King's case, until Thursday, *the 5th of* May, and was consequently unable to complete the preparation of notes to the minister of foreign affairs until Monday, May 9.

On that day, having now prepared a communication upon the subject of the criminal trial, I addressed to Mr. Paicos a note, a copy of which is annexed, and marked A.

On Thursday, the 12th instant, Mr. Paicos called at my lodgings, and made particular and formal inquiries in respect to my credentials or other authorization. I stated to him, as I had, in substance, done before, that I was without testimonials of any kind; but I offered to communicate to him a letter from Mr. Everett, late Secretary of State, to myself, numbered 24, and dated February 4, 1853, announcing the preparation of instructions to me to repair to Athens and enter into communication with the government of Greece upon the subject above referred to. The minister said I might have a presentation through the marshal of the palace, upon my own application, or that of the acting American consul, and that afterwards I could communicate the secretary's letter.

Conceiving that under these circumstances I could not properly insist upon a more formal audience, and being satisfied that an attempt to do so would lead to a refusal on the part of the government to recognize me as in any manner a diplomatic agent, or to receive any official communication from me, I applied to the marshal for an audience by a note in substantially the same form as that before addressed to the minister of foreign affairs, and on Friday, the 13th of May, I was presented to the king, in what, I suppose, must be considered as an unofficial way.

On the same evening I sent to the minister of foreign affairs, by the hands of Lieutenant Wise, of the navy, the communication I had prepared on the subject of the criminal prosecution of Dr. King, with Mr. Secretary Everett's letter of February 4, and a note, a copy of which is annexed, and marked B, all which Mr. Paicos received without objection. On the 17th of May I sent to the minister of foreign affairs, through the same channel, a communication respecting Dr. King's claim to damages for the obstruction of his proprietary rights to the disposal of certain lands, and on delivering this note Lieutenant Wise was informed by Mr. Paicos that an answer to my first communication would be given in a day or two.

I have hitherto received no reply to either note, nor, indeed, in cases requiring so extended an examination of questions of both law and fact, should I have expected answers so soon, had not Mr. Paicos said to Mr. Wise that an early reply to my first communication would be given.

My notes being both necessarily somewhat voluminous, I do not annex copies of them to this dispatch, but shall forward them by the first convenient opportunity.

The question of my right to expect a recognition as a diplomatic agent, without formal credentials or testimonials of any sort, was an embarrassing one; and though I think the reception of my notes by the minister of foreign affairs without objection on that score, must, under the circumstances, be considered as concluding the government, yet I am by no means confident that further difficulties may not be raised on this point.

Well-informed persons at Athens suppose that, in reference to the

criminal case, the action of the Greek government will be greatly influenced, if not absolutely guided, by the advice of the representatives of the principal continental powers at this court. What that advice may be is matter of mere conjecture; but I believe that both it and the course of the government of Greece will depend much more upon what the king and his advisers, native and foreign, may suppose to be the attitude and purposes of the American government in reference to the subject, than upon their views of the legal or moral right of the case.

The little that has transpired from persons supposed to be best acquainted with the views of the government of Greece, does not encourage the hope of a favorable answer to my note, and I am persuaded that if the reply of the minister of foreign affairs shall be in the negative, it will be because the language of my instructions, which I have followed in my communication to him on this subject, is not considered as amounting to a peremptory demand of a remission of the sentence of banishment.

* * * * * * * * *

I have the honor to be, sir, with the highest respect, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM L. MARCY,
Secretary of State.

A.

Note to Mr. Paicos, Minister of Foreign Affairs.

ATHENS, *May* 9, 1853.

The undersigned, minister resident of the United States of America near the Ottoman Porte, specially commissioned by the President of the United States to communicate with the government of his majesty the king of Greece, in reference to certain difficulties between the authorities of Greece and the Reverend Jonas King, an American citizen resident at Athens, has the honor to inform the minister of foreign affairs that he is prepared to make to him a communication on one of the subjects embraced in his instructions.

Before, however, dispatching his note, he deems it proper, in conformity with diplomatic usage, to ask a presentation to his majesty the king of Greece, in such form as the custom of this court, in the like cases, prescribe.

For the better understanding of his position at this court, the undersigned here repeats what he had the honor verbally to state on that subject in an interview with his excellency the minister of foreign affairs on the second of the present month.

The undersigned is not commissioned as minister to the court of Athens, nor has he formal credentials to present, and therefore, as was observed on the occasion above referred to, he does not lay claim to *the precise* technical position of an accredited minister, but his instruc-

tions impose upon him duties of a diplomatic character, and his presentation should therefore be in a form appropriate to his position.

The undersigned accordingly requests to be presented to his majesty, in such form as the usages of this court under the like circumstances require, at such time as his majesty shall be pleased to command, and, if permitted, will be attended on that occasion by the commander-in-chief of the United States naval forces in the Mediterranean, and the officers of his suite.

The undersigned avails himself of this occasion to tender to the minister of foreign affairs the assurance of his most distinguished consideration.

GEORGE P. MARSH.

His Excellency A. PAICOS,
Minister of Foreign Affairs.

B.

Note to Mr. Paicos, Minister of Foreign Affairs.

ATHENS, *May* 13, 1853.

The undersigned, minister resident of the United States of America near the Ottoman Porte, charged with a special mission to the government of his Hellenic majesty, has the honor to transmit herewith to his excellency the minister of foreign affairs a note upon one of the two subjects in reference to which he is instructed to communicate with the government of Greece.

He encloses also the original letter from the Secretary of State of the United States to himself, announcing the preparation of instructions to the undersigned, and which is the same letter mentioned by the undersigned in a recent interview with the minister of foreign affairs.

The instructions referred to therein have been received, and it is in pursuance of them that the undersigned has prepared the accompanying communication.

The undersigned flatters himself that the great moderation of the views of the President of the United States in the present instance will ensure the ready acquiescence of the government of his Hellenic majesty, and prays his excellency the minister of foreign affairs to accept the renewed assurance of his most distinguished consideration.

GEORGE P. MARSH.

His Excellency A. PAICOS,
Minister of Foreign Affairs.

Mr. Marsh to Mr. Marcy.

ATHENS, *June* 2, 1853.

SIR: On *the 27th of May* I had the honor to report to you my arrival at this capital, and my proceedings under my special instructions up to that *date.*

I transmit, herewith, copies of a letter, which in pursuance of a suggestion to that effect in my instructions of May 5, 1853, I addressed to Dr. King immediately on my arrival, and of his reply.

I am not aware of the existence of any facts inconsistent with Dr. King's statement, and as, moreover, the sentence of banishment against him assumes, as a necessary condition of its legal validity, (as will be seen by referring to my original report,) that he is an alien, I suppose his right to be still regarded as an American citizen may be considered indisputable, and, indeed, it has never been disputed by the authorities of Greece.

I transmit, also, copies of my two notes to the minister of foreign affairs respecting the criminal prosecution of Dr. King, and his claim against the government of Greece for damages for the injunction laid upon his land.

I do not annex copies of the documents accompanying the latter communication, because they have been already furnished to the Department of State, in connexion with my report on the same subject, and may, of course, be readily referred to.

On Tuesday, May 31, I had an interview with Mr. Paicos, minister of foreign affairs; Mr. Paicos began the conversation by complaining of the decided position taken by the American government, and of the tone and language of my communications, which he thought not in harmony with the moderation professed by me in behalf of the President of the United States, and which he said had produced a disagreeable impression upon the government of Greece.

He professed to believe that the judgment of the courts in the criminal case was sustainable in law, though for the present he waived the discussion of that question, and he insisted that the President ought to have referred Dr. King to the Greek courts of law for redress in the matter of the land.

This point he argued at some length, and maintained that in all cases of suits against the Greek government the courts had shown themselves independent and worthy of confidence.

In proof of this he cited three cases, and referred to a fourth, where judgment had been given against the public, or the king, as a private person.

In the whole discussion, however, he evaded, or misunderstood the real grounds, both general and special, on which I suppose the President to have acted in declining to require the claimant to seek relief at the hands of the Greek tribunals.

In conclusion, he said that Dr. King should receive an indemnification for his land, and that the government was now making inquiries respecting its value, and promised to make written replies to both my communications in the course of a week.

I forbear to detail the arguments of the minister, because they will doubtless be more fully developed in his answers to my notes.

I shall consider myself extremely fortunate if I receive those answers within the time limited by Mr. Paicos. Evasion and procrastination are the cardinal features of Greek diplomacy; and the European *powers have* indirectly encouraged this habit of the Greek court by *submitting, in* all their negotiations with it, to delays and tergiversa-

; which would not be tolerated in their intercourse with each other. ust, however, that the presence of so many American ships of here, and in the vicinity of the Greek coast, will have a salutary :t in hastening the action of the Greek ministry, and that my next atch will announce the fulfilment of the duties committed to me at ens.

.s to the tone and temper of my notes to the minister of foreign irs, it is for my own government to judge whether they are or are suitable to the occasion. I have endeavored to conform to the let- of my instructions, in abstaining from menace, on the one hand, on the other, in letting the government of Greece see that the Pre- nt was quite in earnest. At any rate, the language of the notes is ranted by truth and justice, and I am confident that a milder and decided tone would utterly have failed to accomplish the object for ch I was sent hither.

Although inquiries into the political condition and prospects of Greece not embraced in my instructions, yet, as my residence in the Levant, more especially the investigations in which I have been engaged his capital, have, in some degree, familiarized me with the charac- policy, and ultimate political aims of the government and people of ece, I have hoped it would not be deemed impertinent in me to mit to the government of the United States some observations on subject; I have accordingly prepared a paper with that view, and ll transmit it to the Department of State, as soon as it can be fairly ied.

For the reasons given in my second dispatch of May 27, I requested nmodore Stringham to proceed to the Bosphorus with the flag-ship the squadron, and he sailed for Constantinople on Monday, the 30th May. The Levant is now here, and the St. Louis is daily expected. have the honor to be, sir, with the highest respect, your obedient vant,

GEORGE P. MARSH.

Hon. WILLIAM L. MARCY,
Secretary of State.

Mr. Marsh to Dr. King.

ATHENS, *April* 30, 1853.

SIR: I have been instructed to repair to Athens, and to lay before Greek government the views of the President of the United States relation to your difficulties with the authorities of Greece, but as my tructions call my attention particularly to the preliminary question your right to be regarded as still a citizen of the United States, I m it necessary to address you some inquiries on that subject, before tting myself in communication with the minister of foreign affairs. The best method of stating the questions to which I desire an answer ll, perhaps, be to give you the following extract from the letter of the cretary of State.

"Before *closing this dispatch, I think it* expedient for greater caution

to call your attention to that part of your instructions of the 29th of April, 1852, which relates to the citizenship of Dr. King.

"Those instructions were given in the understanding that he has never relinquished, nor intended to relinquish, his character as an American citizen; that though married, and for many years a resident in Greece, he has never abandoned the intention of coming home; that he has never renounced, nor intended to renounce, his allegiance to the United States, nor taken any steps towards becoming a citizen of Greece.

"That such is the case is inferred from the correspondence of Dr. King and the missionary society by whom he has been employed with this department; and it is on this assumption that the President has felt it his duty to interfere in his behalf."

I now beg, sir, that you will give me early, full, and explicit information on all the points of inquiry suggested in the foregoing extract, and am,

Very respectfully, your obedient servant,

G. P. MARSH.

Dr. JONAS KING, *Athens.*

Dr. King to Mr. Marsh.

ATHENS, *May* 2, 1823.

SIR: In reply to your communication of the 30th ultimo, I have the pleasure to inform you that I have never relinquished, or intended to relinquish, my character as an American citizen, nor abandoned the intention of going home, nor have I ever renounced, or intended to renounce, my allegiance to the United States, nor taken any steps towards becoming a citizen of Greece.

Yours, with the highest respect,

JONAS KING.

Hon. G. P. MARSH, *U. S. Minister Resident.*

Mr. Marsh to Mr. Paicos

ATHENS, *May* 17, 1853.

The undersigned, minister resident of the United States of America near the Ottoman Porte, specially commissioned by the President of the United States to enter into communication with the government of his majesty the king of Greece, in relation to the subject herein discussed, has the honor to transmit to the minister of foreign affairs the following statement respecting the claims of the Reverend Jonas King, an American citizen, resident at Athens, upon the government of Greece, for an obstruction to his rights to the use, enjoyment, and control of certain lands owned by him in the city of Athens, and of the conclusions of the President of the United States thereon.

In the years 1830 and 1831, Dr. King purchased two contiguous *parcels of ground* lying at the present northern terminus of Athens

street in the city of Athens, and containing together nearly eleven thousand square common peeks of land. Some small additions were afterwards made to these purchases, and the property, whose boundaries are indicated by a substantial stone wall, is generally known by the name of Philadelphia.

In 1834 the removal of the seat of government from Nauplia to Athens was decreed, and a plan for laying out the city proposed by Messrs. Cleanthes and Schaubert was adopted. This plan was soon superseded by another proposed by Klenze, which is said to have been also sanctioned by royal authority, though neither the ordinance adopting it, nor the plan itself, appears ever to have been published.

By both these plans it was proposed to take a considerable portion of Dr. King's land for a street and public square, but the street and square were never opened, set out, marked, or in any way indicated by visible monuments, nor was any survey or description of the same ever communicated to Dr. King, made public, or, so ar as is known, ever drawn up.

On the 28th of January, (9th of February,) 1835, Dr. King having heard that it was intended to devote a portion of his property to public use, addressed to the minister of the interior a request for indemnification, a copy of which is annexed and marked A, (E, in report to State Department.) To this letter no written reply was returned, but verbal assurances of indemnification were given by the minister.

Dr. King soon after opened ditches around his land to mark its limits, and on the 1st, (13th,) September, 1835, he received from the head of the police a notice, a copy of which is hereto annexed and marked B.

The ditches were filled up under the direction of the head of the police, but the intention of laying out the square of the people, referred to in the notice, was never carried into effect.

On the 16th, (28th,) January, 1837, Dr. King addressed to the demarchy of Athens two notes, copies of which are annexed and marked respectively C and D, (H and I, in report.) To these no written reply was made; but Dr. King was orally informed by the demotic authorities that nothing would be done under the proclamation referred to in note D, and the same, in fact, appears to have remained a dead letter, as well with respect to other persons interested as to Dr. King.

The proclamation referred to was dated January 7, 1837, and numbered 2339.

On the 14th, (26th,) June, 1837, Dr. King addressed to the president of the council of ministers a letter, a copy of which is annexed and marked E, (K, in report.)

On the 23d June, 1837, the secretary of state for the home department made to his majesty the king a report, a copy of which, marked F, (L, in report,) is hereto annexed, which report, together with a royal order thereon, dated 26th June, (8th July,) 1837, hereto annexed and marked G, (M, in report,) was communicated to Dr. King on the 30th June, (12th July,) 1837, together with a letter from the secretary of state of that date, a copy whereof is annexed and marked H, (N, in report,)

Dr. King hereupon *applied to the* authorities for payment of an *indemnification, which was refused;* and upon resorting to the architect

for information respecting the boundaries of the street and square, and other arrangements for opening the same, he could obtain none, and some time after was told by him that it had been determined to cccupy his ground as a site for the great national monumental church of the Saviour, the erection of which had been decreed by royal ordinance in 1834, which ordinance was revived and affirmed by royal decree on the 3d, (15th,) April, 1838.

At what period it was determined to erect this church upon Dr. King's land does not appear, no formal notice ever having been given him; but as the ordinance of 3d, (15th,) April, 1838, declares, that the site had been already selected, and as no other reason is known for the abandonment of the plan of opening Athena street and the square of the people, expressed in the notice from the head of the police of 1st, (13th,) September, 1835, it is conjectured that it was at that time decided to appropriate the land to this purpose. But this point is immeterial, as it only affects the question of the period from which Dr. King is entitled to claim interest.

On the 31st of August, (12th of September,) 1838, Dr. King applied to the secretary of the home department for information respecting the appropriation of his land to public use, by a letter, a copy of which, marked I, is hereto annexed, (P, in report,) but no notice was taken of this communication.

He now made various oral applications for compensation for his land, or leave to build thereon, and was told by the public authorities, from time to time, that the government was about to adopt a general plan for the relief of all persons whose lands had been taken for the public use. Nothing, however, being done in the premises, he began in January, 1841, to make preparations to cultivate his land. The head of the police, probably supposing that he was about to build, immediately interfered and served upon him an injunction, dated January 21st, 1841, hereto annexed and marked J, (Q, in report,) and to this he replied by two notes, dated respectively February 3d, (15th,) and February 10th, (22d,) 1841, copies of which are annexed and marked K and L, (R and S, in report.)

The new plan referred to by the head of the police does not appear to have been published, nor was Dr. King ever informed in what way it affected his estate.

Six years having now been lost in fruitless efforts to procure a release of the injunctions which, by the successive adoption and rejection of four different plans, had been laid upon his property, or to obtain a compensation for the loss of it, Dr. King applied to Mr. Perdicaris, American consul at Athens, the only representative of the United States in Greece, to interfere in his behalf. Mr. Perdicaris addressed to the ministry repeated communications on the subject, but no notice appears to have been taken of any of them.

On the 22d May, (3d June,) 1844, the claimant by a note, a copy of which is annexed and marked M, (T, in report,) applied to the demarch of Athens for leave to enclose a portion of ground belonging to his original purchase, but not included in a fence, with which he had enclosed the residue as early as 1851, and received a reply, a copy of which is annexed and marked N, (U, in report.)

On the same day he addressed to the secretary of state for the home department a note, a copy of which is annexed and marked O, (V, in report.)

The secretary replied on the 1st, (13th,) of June, 1844, by note, annexed and marked P, (W, in report.)

Upon the expiration of the period limited in this note, without the payment of any indemnification, Dr. King enclosed the remainder of his lot, and at various times afterwards, as well as at earlier periods, made preparations to build thereon; but being as often forbidden by the police to erect buildings on the same, he made a formal application to the police for permission to erect a temporary structure upon his ground, which was granted, upon his entering into a written stipulation that he would not claim damages for the *building* when the land should be occupied for public purposes.

Of this paper a copy is annexed and marked Q, (X, in report.)

There was also another application and permission, on the same conditions, in 1850.

On the 12th of November, 1850, Mr. Diomatari, American consul at Athens, presented Dr. King's claims to the proper department of the government of Greece, and a correspondence ensued between him and the ministry, which it is not necessary here to recapitulate, and it suffices to state that, so far as is known to Dr. King, none of the steps referred to by the ministry, for fixing the limits of the land taken and left, for arranging the temachia conformaby to the law, for settling the proportions of the indemnification to be paid, respectively, by the demus and the neighboring proprietors, or for securing payment to the present claimant, were ever taken. It is true, that occasional general orders to make compensation may have been issued to the demus by the government, but all such were disregarded by the municipality, on the ground, as is understood, that no measures had been taken by government to fix the liability of the demus by opening the street or square; and, further, that the supreme government, by selecting the ground as the site of a national edifice, had appropriated it to a national use, and that, consequently, the national treasury ought to make compensation for it.

The undersigned now proceeds to state the conclusions of the President of the United States upon the foregoing facts, and the law thereto applicable.

In reference to the ground of the exclusive responsibility of the demus for the indemnification, sometimes assumed by the ministry, it is considered that the demus does not appear to be under any liabilities to indemnification but such as are imposed by the ordinance of the 12th of November, 1836, which creates an obligation on the part of the demus to indemnify landed proprietors damnified by the opening of streets or squares upon their property. It is plain that this liability cannot attach until the street or square be actually opened, or at least until the limits be precisely ascertained by the proper authorities, and publicly and clearly designated, the proportion of the compensation to be paid by the demus and the neighboring proprietors fixed and promulgated, and the throwing open of the street or square formally decreed. *All these acts (for the demus,* without the special and express

orders of the supreme government, cannot lay out a street or square in the city of Athens) must be the acts of the officers of the crown, and it is obvious that the benefits, in consideration of which the liability in question is imposed, do not accrue until the street or square is actually opened, or legally ready to be opened, for public use.

There is no pretence that these conditions have been fulfilled in respect to the land in question, and, of course, no obligation to indemnify the claimant has ever devolved upon the demus.

But there are other sufficient reasons for the opinion that the demus is under no liability to the present claimant. His rights to the use of his property were obstructed, and a forcible entry made upon it by the supreme government, in September, 1835—more than a full year before the ordinance, whereby alone the demus became liable, was promulgated. Upon this obstruction and seizure to public use, a claim forthwith accrued against the government, by whose authority it was committed, and no subsequent legislation could exonerate the government and shift the burden to the shoulders of a municipal body, which, moreover, so far as this subject is concerned, is even not an independent corporation, but a mere agent of the supreme authority.

The President of the United States finds an equally satisfactory argument in the fact that the land was decreed to be occupied, not for the municipal uses contemplated by the ordinance of 1836, but for a strictly national purpose—the erection, namely, of a great national religious and monumental temple, an object in which the demus of Athens had no more legal interest than any other demus in Greece, and in respect of which the law imposed upon it no duties.

The case, in fact, presents the same question as that of Mary Raftopoulos, the history of which is familiar to the minister of foreign affairs, and in all essential circumstances is identical with it. The land of Mary Raftopoulos, lying adjacent or near to that of Dr. King, was embraced in the grounds selected by the architect as a site for the church in question, and though, upon suit brought by her against the public, it was contended by the counsel for the crown, as it now is by the ministry, that the demus ought to indemnify the claimant, yet in 1844 the areopagus, upon solemn argument, decided that no liability attached to the demus, both because the street and square had never been opened, and because the government had declared its intention to appropriate the land to a use with which the demus had no concern, and, accordingly, the government was adjudged liable for the value of the lands.

The Greek government has itself repeatedly admitted that Dr. King is entitled to compensation, but for the reasons above stated, the President regards as wholly inadmissable the ground taken by the ministry, that the claimant must look to the demus alone for that compensation.

It is the supreme govenment which has obstructed the proprietary rights of Dr. King; and, if it has not yet actually occupied his lands for a national use, it has declared its intention so to do, while, without in any way devoting it to the municipal purposes, in view of which alone the land imposes an obligation on the demus, it has, at the same *time, for a* period of eighteen years, deprived the owner of all profit*able use of his* property.

It is, then, the general government by whose acts the claimant has

been damnified, and it is the general government alone that the President of the United States holds responsible.

With a view of saving time and useless discussion, the undersigned proceeds to anticipate an objection that has been suggested, and may again be raised by the ministry. He refers to the position taken in order 18,299, of the 2d (14th) October, 1832, from the minister of the interior to the directory of the administrative police, that the claimant must establish his rights against the government "in a judicial way." It is unnecessary to discuss the question how far the rule of public law here invoked might bind the claimant under other circumstances, as its application in the present case cannot properly be demanded by the Greek government, aud will not be allowed by the President of the United States.

The precise question at issue has been already decided, and no doubt very properly, by the highest Greek court, in the case of Mary Raftopoulos above noticed, and it would, therefore, be an idle waste of time to seek a re-examination of the question before a tribunal which could only affirm the principle, and which possesses no means of enforcing its judgment against the government. And it is further to be remarked, that the Greek government itself has never, until after it was informed that the claimant had appealed to his own to interpose in his behalf, and that the President of the United States had ordered an investigation respecting it, placed its refusal to indemnify him, on the ground that his claim had not been duly adjudicated by the tribunals, but has positively disclaimed all responsibility, and attempted to turn him over to the municipality of the city of Athens, by which, in turn, he is thrown back upon the general government.

But the undersigned finds himself under the disagreeable necessity of urging another and more decisive reply to the objection under consideration.

The rule supposes that the legal tribunals, having jurisdiction of the subject matter of the claim, and of the parties interested, are entitled to confidence, but the undersigned is instructed to say, that inasmuch as the conduct of the courts of Greece, in the criminal trial of Dr. King, has sufficiently shown that he cannot expect justice at their hands, the President of the United States can place no confidence in those tribunals in any case where the present claimant is concerned.

It is therefore the duty of the undersigned to inform the minister of foreign affairs, that neither the question of the liability of the Greek government, nor that of the value of the land, nor any other growing out of the transactions above recited, will be submitted to the legal tribunals of Greece; and that he is instructed by the President of the United States formally to demand the payment, by the government of Greece, of a reasonable indemnification to Dr. King, for the injuries he has sustained by the acts above set forth.

In fixing the damages to be paid, there are various rules of estimation which might be adopted. In cases of wrongful deprivation of property, the highest market value of the same, at any period subsequent to the deprivation, with interest thereon to the time of payment, is often resorted to as a measure of damages, and had Dr. King been permitted *to occupy his ground with* tenantable buildings, the high rate

of rent at Athens gives reason to believe, that he might have realized even a larger sum than the compensation which that rule would award him.

It would, in strictness be no act of injustice if the President of the United States should insist upon indemnification to the claimant, at the highest of these rates.

But the President, desiring to testify his friendship for the government of Greece, as well as his regard for the principles of equity, by the great moderation of his demand, has instructed the undersigned to adopt much more favorable principles of estimation, and the undersigned will be happy to avail himself of the liberal spirit of his instructions, by agreeing at once to the lowest amount within the limits of the discretion allowed him, which his excellency the minister of foreign affairs may think proper to propose.

The undersigned renews to the minister of foreign affairs the assurance of his distinguished consideration.

GEORGE P. MARSH.

His Excellency A PAICOS,
Minister of Foreign Affairs.

Mr. Marsh to Mr. Paicos.

ATHENS, *May* 13, 1853.

In a private interview with his excellency the minister of foreign affairs, in the month of August last, the undersigned, minister resident of the United States of America near the Ottoman Porte, had the honor to state that he had been commissioned by the President of the United States of America to repair to Athens, inquire into certain difficulties between the authorities of Greece and the Rev. Jonas King, a citizen of the United States, long resident at Athens, and report to his government thereon.

Having fulfilled this commission, the undersigned has been instructed by the President of the United States to return to this capital, and to present to the government of his majesty, the king of Greece, the views of the American government in relation to the difficulties in question, and this duty he now proceeds to discharge.

The questions at issue embrace two distinct and independent subjects; the one a criminal prosecution and conviction of Dr. King for an alleged violation of the laws of Greece, the other a claim on his part for an alleged obstruction by the Greek government of his rights to the use, enjoyment, and disposal of certain lands owned by him in the city of Athens.

For reasons of convenience, the undersigned will, in this note, confine himself to the matter first above mentioned, the criminal prosecution namely, and will make the other question the subject of a future communication.

It will be remembered that the original criminal charge against Dr. *King was* a violation of the 17th and 18th articles of the law concerning *reviling in* general, and the press.

The act of accusation embraced a variety of distinct specifications under the charge, all consisting in the public oral preaching of certain religious doctrines, more or less at variance with the faith of the oriental church, by which preaching, as the act of accusation concludes, "he assailed, in public discourse, with contemptuous mockery and malevolent expressions, the dogmas, the ordinances, and the customs of the oriental church, and uttered opinions and sentiments repugnant in general to its fundamental principles, and of pernicious influence, contrary to the form, force, and effect of the 17th and 18th articles of the law concerning reviling," &c.

It will be noticed that the act of accusation does not charge Dr. King with disseminating his heterodox opinions, or assailing the oriental church by writing, printing, or in any other manner than by the public preaching of obnoxious doctrines; and this is a point of some importance, because in spite of the remonstrances of the counsel for the defence, the attorney general, as will hereafter appear, was improperly permitted by the court of correctional police, after the testimony was closed, and in the course of his argument, to read and comment upon, as evidence of the guilt of the respondent, certain printed books, the publication of which was not charged in the act of accusation, nor proved in the trial against him.

By the 17th article of the law concerning reviling, &c., "whoever in public discourse, in writing, or by symbolical representations assails, with contemptuous mockery or malevolent expressions the dogmas, the ordinances, or the customs of the oriental church, or other religion existing with the assent of the government," is liable to imprisonment; and by the 18th article of the same law, "whoever expresses such principles, opinions, or sentiments as are repugnant in general to the fundamental grounds of religion and morality, or are otherwise prejudicial to religion and morals," is punishable in the same manner.

The act of accusation does not follow the phraseology of this last section, nor does it charge the respondent with uttering "principles, opinions, or sentiments repugnant *in general* to the fundamental principles of religion and morality," but with expressing "opinions and sentiments repugnant to the fundamental principles of the oriental church, and of pernicious influence."

The 18th article of the law in question was evidently not intended specially for the protection of the oriental church, but for that of those fundamental principles of religion which are common to all Christian sects, and the offence charged by the act of accusation under this article, is certainly no violation of its letter or of its spirit.

As regards the final result of Dr. King's trial, the point is indeed unimportant, because the areopagus reversed the judgment against him, so far as concerns the application of this article, but like many other circumstances of the trial, his conviction by the court of correctional police, under this article, is of consequence, in a general view of the case, as exemplifying the pervading disregard of law and justice which throughout characterized the conduct of the court.

The council of the court of appeals upon an appeal from the allowance of the act of accusation *by the council of* the court of correctional police, affirm*ed the act, but the areopagus*, before which tribunal the

question was now carried, reversed the decision of the court of appeals, so far as concerned the application of the 18th article of the law, and, in effect, ordered the act of accusation to be amended by striking out so much of it as charged the respondent with a violation of the article, and sent him down for trial at the bar of the court of correctional police, on the charge of a violation of the 17th article only.

The court of correctional police found the respondent guilty, not only of an infraction of the 17th article, but in defiance of the solemn decision of the areopagus, and in spite of the manifest illegality of such a proceeding; also of a violation of the 18th article, and this upon the pretence that additional evidence to warrant the conviction under that article was adduced at the trial, when in point of fact no new testimony applicable to such a charge was elicited at the bar.

The respondent was now sentenced by the court to fifteen days' imprisonment, and, by virtue of articles 34 and 37 of the penal code, to banishment from the realm of Greece as an alien, "in behaviour and conduct pre-eminently dangerous to morals."

The evidence against the respondent was in general of a suspicious character. Much of it was mere hearsay, and the rest was mainly the testimony of ignorant men, and heated and inexperienced youths, some of whom had notoriously been among the most active agents in fomenting the popular excitement and stimulating the prosecution against him, and by their own confession had feigned proselytism to his views, for the obvious purpose of entrapping him into unguarded language; and there was a good deal of evidence in rebuttal, of a character at least as credible and respectable as that on the part of the prosecution. The court of correctional police evidently felt the testimony to be insufficient to warrant the condemnation of the respondent, and deemed it necessary to justify its sentence to public opinion by embodying in its recital of the grounds of conviction the expression of several obnoxious sentiments by the respondent, of the utterance of which by him not a shadow of proof is to be found in the testimony. The recital contains absolutely no evidence tending to show that Dr. King had ever accompanied the expression of any of the sentiments ascribed to him in the recitatory part of the judgment with the language of mockery, opprobrium, or malevolence towards the doctrines of the Greek church, or those who profess them; and the finding of the court that he applied the epithet "foolish" to those who held certain doctrines, and that he called the worship of images idolatry, was either borrowed from the argument of the attorney general, or was, more probably, a pure invention of the court, unsupported by a particle of proof, and manifestly introduced into the record for the purpose of giving color to the unjust and illegal judgment about to be pronounced. At the same time the court did not venture to rest the condemnation of Dr. King upon these pretended facts, as its legal grounds, because it would be seen at once that it was not borne out by the testimony, but it selects two other independent facts on which to base its judgment, and which alone are to be regarded as its legal foundation, the rest being mere matter in aggravation. These are—

First, the "calling of the mother of God simply a woman, and affirm*ing that she* bare also other children;" and second, teaching "that the

ommunion, that is, the body and blood of our Lord Jesus Christ, is read and wine."

The court proceeds solemnly to adjudge, as matter of law, and as re ground of conviction, that the public utterance of these opinions, in sermon, by a clergyman of a denomination which maintains them, ven though unaccompanied with the language of contempt, malice, or sult, or with any express reference to the doctrines of the oriental urch, (for no such are alleged by the act of accusation, proved by ie witnesses, or pretended by the court to have been used by the re-ondent in connexion with the expression of these opinions,) is, in and f itself, a malevolent act, and does in law constitute the offence of attacking, by malevolent expressions, the dogmas, the ordinances, and ie customs of the oriental church," contrary to the form, force, and ffect of the 17th article of the law concerning reviling and the press.

In regard to the two facts thus made the gist of the offence, it is orthy of notice, as a further exemplification of the spirit of the court, ough otherwise comparatively unimportant, that the only direct evi-ence to prove that Dr. King ever expressed the first of these obnoxious ntiments is the testimony of the boy Demakes, who states that the espondent, not in public discourse, but in *private* conversation, and in eply to a question by the witness, declared the opinion in question; s to the other fact, the affirmation that the body and blood of Christ re bread and wine, is a matter scarcely charged in the act of accu-ation, with such legal certainty as to be a sufficient ground of convic-ion, had it even been a criminal act.

Upon the trial at the bar, the able counsel for the defence, besides a eneral denial of the criminal charge, introduced several witnesses, hose testimony, though negative, tended in some degree to disprove he general truth of the allegations of the act of accusation, and they elied upon the first article of the constitution of 1844, which provides or the toleration of "every known religion," and guarantees the pro-ection of the law to the worship (including, of course, preaching in the ase of those sects with which preaching is regularly a part of divine ervice) of all alike; the tenth article, which declares that "every one may publish orally, or in writing, and by the press, his thoughts, (sen-iments or opinions,) observing the laws of the State;" and the one hundred and third article, which annuls all laws and ordinances repug-nant to the constitution.

They further insisted that the plain intent and meaning of the law, which was unquestionably designed to protect, not to restrain religious liberty, was to make punishable, not the mere public expression of religious opinions, in a country where all religious sects, Mohammedans and Jews not excepted, enjoy, by law, equal freedom of opinion and of speech, but the disturbance of the public peace by violent and malignant attacks upon opposing creeds, and that, consequently, malice was a necessary ingredient of the crime, and a fact essential to be proved. This view of the case is strongly supported by the phrase-ology of the law of 1822 of the French code, from which the Greek law is, in substance, borrowed, and particularly by that of the German text, published by authority *in 1834, (and* which is understood to be in fact *the original, the Greek being but* a translation,) where the phrase

"malevolent expressions" is rendered by "Ausdrücke des Hasses." The court, however, overruled this argument, and gave judgment as above recited.

The judgment having been published, entered of record, and subscribed by the justices, the attorney general moved that the respondent be sentenced to imprisonment, the costs of trial, and to exile from the Greek State as an alien, "by his manner of life, his character, and his conduct, pre-eminently dangerous to the common safety and to morals," according to the 34th and 37th articles of the penal code. No new evidence was offered in support of the motion for the exile of the defendant, and, of course, it could legally rest only on the facts on which the court had based the conviction. This motion was resisted by the counsel for the defence, on the ground of a total want of evidence to show that the respondent was, "by his manner of life, his character, and his conduct, pre-eminently dangerous to the common safety and to morals;" and they further insisted that, inasmuch as the court, in pronouncing the judgment already published, had not adjudged the respondent to be a person dangerous to the common safety and to morals, it was now too late to supply the omission, which would be tantamount to the rendition of a new and distinct judgment. The court, however, overruled the objection, and, without further proof, proceeded to make a second and independent adjudication, that the respondent was a person of the character contemplated in the 37th article of the penal code, and this, not in respect of the particular "malevolent expressions" of which he had been convicted, but upon the vague allegation that he had "inveighed scandalously against the oriental church, its canons, traditions, and customs," a charge not sustained by specific proof, nor embraced in the facts before found by the court.

Enough has been already said to show that the conviction of Dr. King was unjust and illegal, the facts found by the court being unsustained by the evidence, and its legal conclusion unwarranted by the law and the facts found; but it is the duty of the undersigned further to represent to his excellency the minister of foreign affairs, that it is in proof that the synod had been permitted to rouse the worst passions of the multitude against Dr. King, by denouncing and anathematizing him and his opinions in terms but ill befitting gentlemen or Christian teachers; that measures were taken by his persecutors to excite popular indignation against him, by posting up and circulating inflammatory and abusive placards, and by other means, with the view of gathering at the trial a hostile crowd to influence the court and obstruct the defence; that, accordingly, a large and infuriated mob, led by Greek priests, and some of the witnesses for the prosecution, was collected at the trial; that the presiding judge allowed these disorderly persons to insult the respondent and his counsel, to browbeat and overawe the witnesses for the defence, and to cheer and applaud the witnesses for the prosecution; and that his pretended efforts to preserve order and decorum were of so feeble a character as apparently rather to stimulate and encourage than to intimidate and restrain the rioters; that he allowed the attorney general to devote a large part of the time consumed in his argument to reading and commenting upon certain works of religious instruction, published, in part, in foreign countries in the

ıme of Dr. King, but neither offered as evidence upon the trial, regu-
rly proved to have been published or circulated by him, nor in any
her manner properly brought before the court: that he rebuked the
unsel for the defence for objecting to this irregularity; that he did
t allow the respondent and his counsel full liberty to speak in his
ſence; and that he throughout manifested an evident determination
sustain the prosecution, and to embarrass the defence.

These facts, and others equally discreditable to the administration of
iminal law in this instance, are established by the testimony of wit-
:sses of undoubted intelligence, impartiality, and integrity; but as
ey are to some extent matters of opinion, and may be disputed, as
ere is no reason to believe that they affected the predetermined judg-
ent of the court, and as they are unimportant in comparison with the
alpable absurdity of its legal conclusions, and of consequence only as
:rving to characterize the *animus* of that tribunal, they are here refer-
:d to as an indication of the spirit of the legal proceedings against Dr.
ing, rather than as a substantive ground of a demand of redress.

The imprisonment under the sentence of the court having com-
ıenced, the case was carried before the areopagus for revisal, and va-
ious errors in law were assigned by the learned counsel for the defence.
The causes of reversal urged by them were all plausible, and some
f them evidently conclusive, the case presenting a clear instance of
he "erroneous application and false construction of the criminal law."

The areopagus reversed the judgment of the court below as to the
pplication of the 18th article, on the ground that the portion of the act
of accusation which charged a violation of that article was no longer
before the court, the act of accusation having been ordered to be
amended by striking it out, but it declined jurisdiction of the question
raised under the 17th article, and though the functions of the areopagus
are substantially the same as those of the higher courts of judicature
in other European countries, it arrived at the extraordinary conclusion
that it did not possess the power of reviewing the decision of the court
below on the purely legal question whether the facts found by that
court did or did not constitute a crime in law. The areopagus affirmed
in effect the general principle that, whenever an inferior criminal tribu-
nal resolves that certain specified facts do constitute a certain crime,
and, in designating the crime, follows the words of the statute forbid-
ding it, its judgments are irreversible, and its justices are therefore the
supreme judges of the law as well as of the fact.

Although this decision of the areopagus (resolutions on the first and
second errors assigned, No. 18, of March 13, 1852,) is expressed with
studied obscurity, it can bear no interpretation but that above put upon
it, and the pretence of treating these exceptions of the counsel as an
attempt to raise a question upon the sufficiency of the proof of facts is
a mere subterfuge.

It is difficult to say which decision is most calculated to excite sur-
prise in the minds of intelligent jurists, whether the gross illegality of
the resolution of the court below, that under a constitution guarantying
universal religious liberty and freedom of worship and of speech, and
under laws enacted expressly for the protection of that liberty, the naked
utterance *in a public sermon of opinions* entertained by a large propor-

tion of the Christian world, though conflicting with those of the Greek church, unaccompanied with contemptuous, opprobrious, or malignant language, is by the law of Greece punishable with imprisonment and banishment, as a "malevolent expression;" or the solemn decision of the highest legal tribunal of the land that it does not possess the power to correct the errors of inferior courts in matters affecting character, personal liberty, life itself, even when those errors are patent upon the record.

It was an unworthy evasion to pretend that the areopagus was called upon to interfere with the proof of mere facts. As such stretch of power was asked by the counsel for the defence, and the court was simply required to exercise its legal right and duty of pronouncing whether the fact found—and which the code of criminal procedure orders to be spread upon the record, for the very purpose of allowing a revisal by the superior tribunals—did or did not amount to the crime made punishable by the 17th article, or, in other words, whether there had or had not been an "erroneous application or a false construction of the criminal law."

If the decision of the court of correctional police is indeed the law of Greece, then not only does the law, in defiance of the constitution, forbid the public worship of all who dissent from the oriental church, but the Greek clergy themselves cannot perform the services of their own church without incurring the penalty of the law, for attacking with "malevolent expressions" the "dogmas, the ordinances, and the customs" of other churches equally protected by the same law.

The Lutheran cannot publicly pronounce his creed, or state his opinions on the subject of transubstantiation; the Anglo-Episcopalian cannot teach the catechism of his church, or recite those articles of his faith which charge "the churches of Jerusalem, Alexandria, and Rome" with "error, in manner of living, in ceremonies, and in faith;" condemn the belief in purgatory, the adoration of images and relics, and the invocation of saints; deny the doctrine of transubstantiation, and teach that the spirit proceeded from the Father and the Son; the Catholic cannot maintain the supremacy of the Pope, the validity of the decrees of the later councils and communion in one kind, or deny the necessity of baptism by immersion; the Mohammedan cannot question the divinity of Christ, or affirm the supremacy of his own prophet; nay, the Greek cannot publicly deny the doctrines espoused by other sects, or maintain those dogmas of his own church which are inconsistent with the truth of rival creeds, and still less can he fulminate the curses which the triodion denounces against those who disapprove the adoration of images, or the other traditions and doctrines of the oriental church, for the obvious reason that, according to the principles of the decision under consideration, each of these acts would constitute the offence of attacking, with "malevolent expressions," the faith of some church entitled to the protection of the law. And consequently, if this decision be sanctioned by the government, and impartially carried out by the courts, there can be no such thing as religious worship or public religious teaching in Greece; and even the members of the national synod, which, in its *anathema* of Dr. King and his works in 1845, classed the Jesuit "monks *of the western* church" among the "legions of Satan," and com-

pared them and "other false apostles of the western church" to "wild boars devouring the vine of the Lord;" and again, in its anathema of 1851, denounces with like unchristian bitterness the creeds of protestant sects, whose adherents are many times more numerous than the entire population of Greece, are liable to punishment for their "malevolent expressions" against the ministry and the doctrines of other branches of the Christian church.

Again, if the solemn resolution of the areopagus is law, the justices of the inferior tribunals are supreme judges of the law and the fact alike in all cases; and had the court of correctional police resolved that the very facts found by it, and recited in the judgment in the present instance, constituted the crime of theft, or forgery, or treason, the areopagus, upon its own principles, could not have interfered to correct the error. Whenever, then, another inferior tribunal shall be found in Greece blind or bigoted, or corrupt enough to apply to the public worship of the dominant religions of England or of France, or even of Greece herself, the principles of the decision of the court of correctional police in the present case, the judgment of condemnation will be irreversible, and the areopagus will have bound itself by the precedent to affirm it.

This *reductio ad absurdum* might be indefinitely extended, by further obvious and familiar illustrations; but the undersigned would feel that he was trifling with the intelligence of the enlightened and distinguished persons who compose the government of his majesty the king of Greece, were he to enter into a more formal refutation of the preposterous conclusions of the courts above recited. To jurists of competent legal discretion, a simple history of the case puts their absurdity in as glaring a light as the most labored commentary could do.

For this reason, and because the nature of his instructions renders a full discussion superfluous, the undersigned contents himself with calling the attention of the government of Greece to the foregoing statement, which, with the exception of so much as relates to the disorderly proceedings at the trial, will be found to be borne out by the record itself, and with further obeying his instructions, by communicating the deliberate opinions of the President of the United States upon the case, premising only that those opinions have been formed upon a full examination of all the provisions of the constitution and laws of Greece supposed to bear upon the question, and of the entire record, from the anakrisis to the final judgment of the court of areopagns.

The undersigned, then, is instructed to convey to the government of Greece the opinion of the President of the United States, that though, in the trial of Dr. King, the forms of the law may have been in general observed, yet that the same was conducted in many respects unfairly and illegally, and in the main with a gross departure from the spirit of the law; that it is quite plain that he was not brought to trial for any offence clearly defined by the laws of Greece; that the constitution and laws of Greece guaranty a full toleration of all religious opinions, and that there is no proof that Dr. King hase xceeded the just limits of the liberty of speech implied in such toleration; that circumstances warrant the conclusion that *no belief* was really entertained, on the part of *the court, that Dr. King was guilty* of the high crime laid to his

charge; in a word, that the whole course of the proceedings is such as to place the character of the Greek tribunals in an unfavorable light; and that either the sound and safe maxims of criminal jurisprudence which prevail elsewhere are unknown to the jurisprudence of Greece, or her tribunals were presided over by persons who entertained very false notions of the judicial character, or there are prejudices against Dr. King, which, in his case at least, corrupted the fountains of justice.

The President does not attempt to determine to which of these causes the perversion of justice implied in the result of Dr. King's trial is mainly to be attributed, but he finds reason to believe that it was, in part at least, produced by a concurrence of all three. In the opinion of the President, these facts destroy all confidence in the Greek courts, so far as Dr. King is concerned, and compel him to regard their decision in this case as unjust and oppressive.

Under such circumstances of palpable and notorious abuse of the forms of law, and their perversion to purposes of injustice and persecution, it is plain that the government of Greece ought fully to redress the wrongs which Dr. King has suffered, and to take such further measures as will testify its respect for the integrity of its jurisprudence, and evince a determination to maintain the true interpretation of the law, and the rights of personal liberty, of conscience, and of speech, so nobly proclaimed by infant Greece in the earliest laws of her revolutionary era, guarantied by the treaty between the allied powers that established her national independence, and re-asserted and secured by the constitution at present in force.

At the same time, the President of the United States desires to treat with respect even the forms of justice, under laws which, truly interpreted, are distinguished for their just and liberal spirit, and he is not disposed to conceal the embarrassment which would attend an attempt, on his part, to exact that full satisfaction for a judicial wrong which justice to Dr. King, and the honor of Greece herself, alike concur in demanding.

He is conscious of the difficulty and delicacy of animadversion by one branch of a government upon the proceedings of another, and he is aware that in the present case, the difficulty is increased by the subject matter of the trial, that of an alleged offence against the established religion of the state. There is no subject in reference to which the minds of men, in other respects intelligent, are so apt to be biassed by prejudice, and on which, when heated by controversy, they become so incapable of weighing evidence or listening to reason; and if the President should undertake formally to arraign before the government of Greece the conduct of the tribunals in this case, the full discussion of its merits would oblige him to enter into an inconvenient examination of some of the greatest niceties of dogmatic theology.

The President regards such discussion as inexpedient, and confidently believes that to ensure a prompt reparation of the wrong which has been committed under the garb of law, it is only necessary to call the attention of his majesty to the gross injustice which Dr. King has suffered, and the stain which such proceedings, if sanctioned by the supreme power, cannot but fix alike upon the jurisprudence and the government of Greece.

For these reasons, and because the wrong, though great in principle and in ulterior consequences, has not been hitherto attended with large pecuniary loss or heavy personal suffering to Dr. King, I am not now instructed formally to demand a pecuniary indemnification or other satisfaction to him for that injury, or any retributive measures against those at whose hands he has suffered wrongs so injurious to himself, and so discreditable to the authorities immediately concerned in the infliction of them; but I am directed to inform his majesty's government that the President of the United States expects that a formal revocation of the sentence of banishment against Dr. King be forthwith granted by the proper department of the government of Greece.

The President of the United States having thus, by the great moderation of this demand, evinced his friendly disposition towards the government of Greece, and his respect for the formal administration of the laws, the undersigned has no fears that the sovereign authority of Greece will permit its own laws, wisely enacted for the protection of religious worship, to be longer wrenched into engines of persecution; and he cannot doubt that his majesty, mindful of the solemn sanctions of the great international compact that called him to the throne, and solicitous for the pure and impartial administration of the law, which is the surest guaranty for national faith and the private integrity of the citizen, will at once fulfil the just and reasonable expectations of the President of the United States, by relieving Dr. King from liability to exile or other persecution under the wrongful sentence which has been pronounced against him, and thus remove a cause of irritation between nations which have long been united by generous and honorable sympathies, and which, not being estranged by any conflicting interests of politics or commerce, ought to maintain undisturbed the good understanding, and the relations of mutual friendship and respect, which have hitherto so happily subsisted between them.

The undersigned avails himself of this occasion to renew to the minister of foreign affairs the assurance of his most distinguished consideration.

GEORGE P. MARSH.

His Excellency A. PAICOS.
Minister of Foreign Affairs.

Mr. Marsh to Mr. Marcy.

[Extract.]

ATHENS, *June* 17, 1853.

SIR: In my dispatch of June 2d, I stated that the minister of foreign affairs, Mr. Paicos, had promised a speedy reply to my notes of May 13th and May 17th, copies of which accompanied my dispatch of June 2d.

Not having received any answer up to the 15th of the present month, I, on that day, addressed a note to Mr. Paicos, asking the promised replies. I *have this moment received* a note from him, altogether

evasive in its character, but expressing the hope that he should be able to give me answer in a few days, (*dans quelques jours.*)

It is now twelve years since the discussion concerning the land was commenced by Mr. Perdicaris, and Mr. Paicos informed me on the 31st of May, and stated in a former dispatch, that the government was only waiting to ascertain the value of the land before giving a definite answer.

The other question has been the subject of public discussion for a year, and the Greek government was informed by me, early in August last, that I was investigating the question by order of the President of the United States, and I have no doubt it has long ago been fully examined by the Greek ministry.

The real motive for delay is the desire to await the action of Russia on the oriental question, and, perhaps, the hope that the approach of the sickly season will drive both me and the ships of the squadron from Athens.

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I have the honor to be, sir, your most obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,
Secretary of State.

Mr. Marsh to Mr. Marcy.

[Extracts.]

ATHENS, *June* 23, 1853.

SIR: On the 2d of June, I transmitted you copies of my two notes to the minister of foreign affairs, referred to in my dispatch of May 27th. On the 16th instant I forwarded you, by the hands of the Hon. Caleb Lyon, the paper on the political condition of Greece, referred to in my dispatch of June 2d. On the 17th instant, I communicated to you the substance of a note I had just received from Mr. Paicos, and I now annex a translation of that note. On the 18th instant I had an interview with Mr. Paicos, which resulted in a promise on his part, that answers to both my notes should be given, at furthest, on Tuesday, the 21st instant. In accordance with this promise, the answers were delivered on that day, but as I have been since constantly engaged in preparing my rejoinders, it is not in my power to accompany this dispatch with translations of them. In regard to the criminal prosecution, the government refuses to remit the unexecuted portion of the sentence against Dr. King, on the ground that such remission would be an encroachment on the independence of the judiciary; the integrity, impartiality, and ability of which, as well as the liberal and tolerant spirit of the Greek government, clergy and people, it vaunts; it professes to believe that the judgment was in accordance with the constitution and laws of Greece, but shelters itself behind the principle of the inviolability of judicial decisions, and declines to enter into any argument in reply to the objections urged against the legality of the conviction, and finally *denies the* constitutional power of the king to grant even a "partial revocation" *of* the sentence.

* * * * * * * * * * * *

The reply to my demand of a pecuniary indemnification to Dr. King, n respect of his lands seized to public use, begins with a feeble argunent, in support of the ground, that the claimant ought to have been confined to his remedy at law, but finally yields the point, and offers to pay him for the whole parcel of ground, "at the rate at which land in hat vicinity was sold in 1835," (the date of the first encroachment ipon his rights,) adding interest to an amount not exceeding the principal, and deducting all rents received by him for the use of the property. It further offers him the option of consenting to the laying out of a street and square upon the ground, and receiving compensation for such portion of it as shall be occupied for public use, upon the *same principles* as in case of the acceptance of the first offer. This proposal I have rejected, for these reasons: The debt and credit account, which Dr. King has very carefully and minutely kept, shows, that in small buildngs, walls, and other improvements upon the land, and other necessary disbursements, independent of the original cost, for which the minister offers no compensation, he has expended five hundred dollars more than the total amount of rents received; besides which, a considerable expenditure has been incurred, in the removal of materials, collected at various times for building upon the ground, and which the public authorities forbade him to employ. The statement of rents received, moreover, includes about seventy dollars, paid in advance, on unexpired leases, which he must refund to the tenants, if the property is now applied to public use. and consequently, if he is to account for rents, as proposed by the minister, he would be a loser to a very considerable amount. Again, as to the basis of estimation proposed by the minister, the price, namely, at which lands in that part of Athens were sold in 1835, I find, that in consequence of the total uncertainty of the plan which would finally be adopted in laying out that part of the town, (all plans proposed up to that time having been rejected,) and other circumstances, no purchases of land in that vicinity were made at the period in question, except at forced sales, or under such circumstances as to furnish no criterion of value, and that, in short, no regular market price of lots, at that time and place, can be discovered. It is further to be observed that, although the government repeatedly obstructed Dr. King's proprietary rights, yet these obstructions were acts of arbitrary power, not in accordance with any law of Greece, and therefore the complainant is not compellable to date his abandonment of his title to the government at any moment it may suit its convenience, and receive compensation accordingly, but he may elect to hold the land until it is legally determined that a title was vested in the government, and he is both legally and morally entitled to the benefit of any increase in its value in the meantime. In 1844, as will be more fully seen by referring to my original report, and my note of May 17th to the minister of foreign affairs, a judgment was rendered against the public, at the suit of Mary Raftopoulos, for the value of certain lands adjacent to Dr. King's, and which had been sequestered to public use (although not actually taken into possession by government) at the same time, in the same way, by the same ordinance, *and for* the same purpose, as Dr. King's.

This decision, having been affirmed by the areopagus, is conclusive as to the right; and I find, in the further proceedings in the case, a just, fair, and moderate rule of damages.

Judgment having been rendered against the public, an appraisal of the lands was ordered, in the form prescribed by law. This order was executed, the lands appraised by competent judges, at six and one-quarter drachmas the square common peek, and the appraisal, which is believed to have been an extremely moderate one, though resisted by the counsel for the government, was confirmed by the court. The land of Raftopoulos is upon a lower level than Dr. King's, bounded upon insignificant lanes, and unprovided with water. Dr. King's property enjoys a commanding prospect, lies upon the great street of Minerva, has several abundant and very costly wells, excavated to a great depth in the solid rock, and is, in my judgment, worth at least fifty per cent. more than the lot of Raftopoulos. It is, in short, as desirable a parcel of ground as any unoccupied lot in the city of Athens. It is, therefore, fair, at least toward the government of Greece, to take that appraisal as the basis of valuation in the present case. The legal rate of interest, at Athens, is twelve per cent. per annum, but interest does not continue to accrue after it equals the amount of principal.

I doubt, however, the applicability of the rule to a case of this nature. Dr. King, having received no profit from the use of his land, is clearly entitled to interest; and the government has paid interest to Raftopoulos, Finlay, and all other foreign claimants under like circumstances. Besides this, he is entitled to damages for the obstruction of his rights for the period preceding the vesting of the title in the government; and as the appraisal, which I take as the basis of valuation, was an estimate of property *without* any improvements, he is also entitled to remove the materials of the houses, walls, and other structures upon his land. I have, however, determined to allow the rule that interest shall accumulate only to the amount of the principal, and to waive the claim for damages for interference with the claimant's rights prior to the selection of the ground as a site for the church of the Saviour; and I have proposed to the minister of foreign affairs to compromise the claim on the following basis, namely: The government shall, at its election, *either* pay Dr. King for the whole property, at the rate of twelve and a half drachmas (six and a quarter drachmas principal, and the like amount for interest) per square common peek, amounting to about $23,000 in the whole, (which is less than one-fourth of Mr. Consul Diomatari's estimate,) *or* it shall open the street and square, guarantry the title of all lands transferred to him, by operation of law, from other proprietors, in the process of *squaring* the building-lots according to law, and pay him twelve and a half drachmas per peek for so much of the land occupied by the street and square, as he would be entitled to compensation for by law; and, in either event, there shall be reserved to him the right of removing the materials of the buildings, &c., at any time within six months. By the law for laying out the city of Athens, when lands are to be occupied by streets or squares, the proprietor *loses a certain* portion, without indemnity, in consideration of the bene*fits resulting to* the residue from opening the street, and is paid for the

remainder. If the latter proposal is accepted, Dr. King must surrender, without compensation, more than one-fourth of his valuable property; he receives about nine thousand dollars for the residue of the land taken for public use, and there will remain at his disposal, in five separate parcels, about four-elevenths of the whole quantity. The liberality of this offer, which is made with Dr. King's full and ready assent, is such, and its justice so clear, that I do not think the government requires any time to determine upon its acceptance; and as (the Cumberland having left Constantinople) I consider both my own presence and that of an American ship-of-war highly important at that capital at the present juncture, I last evening informed the minister of foreign affairs, in communicating the proposal, that I should expect it to be accepted or rejected by Friday morning. I added that it was the most favorable terms I should offer; that as the sum proposed was less than I thought Dr. King fairly entitled to claim, the proposal must be considered as made by way of compromise only; and that, if not at once accepted, it would be withdrawn, and the President would feel himself at liberty to insist on such other or further satisfaction as he might deem just.

I shall forward copies of my last note to Mr. Paicos, and of such reply as I may receive, as soon as they can be prepared.

My instructions direct me, in case the Greek government refuses to make to Dr. King such compensation as I think reasonable, to propose to refer the question in dispute to the arbitrament of a friendly power; but I am in doubt whether, since the Greek government offers a pecuniary compensation, and it is now a mere question of the *amount* of damages, I ought, if my proposal is rejected, to propose an arbitration. You will perceive, sir, that by the proposal which the Greek ministry will probably consider the most favorable, the amount claimed by me, in behalf of Dr. King, is but nine thousand dollars.

I presume the ministry will at least modify its offers so far as to waive its demand that Dr. King shall account for rents received, and, although its estimate of the value of the lands will be low, it can hardly be less than one-half the amount of mine. I can scarcely suppose that the queen of England or the king of Belgium, would take cognizance of a question of so small concern, and I shall endeavor to avoid the necessity of making the proposal if any practicable method shall suggest itself.

It is proper to mention that Mr. Wyse, the minister plenipotentiary of Great Britain, informs me that his government has expressed a strong desire for the amicable adjustment of the difficulty between the government of the United States and of Greece, and has authorized him to make an offer of mediation between the two powers. This offer I neither accepted nor declined; but I am confident that it was made in a friendly spirit, and I may, perhaps, in case of necessity, at least in an informal way, avail myself of it.

* * * * * * * *

I have the honor to be, sir, with the highest respect, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. Marcy, Secretary of State.

[Translation.]

Ministry of the King's Household and of Foreign Affairs.

ATHENS, *June* 5, (17,) 1853.

SIR: I have received the letter you did me the honor to address me under date of the 15th of June.

As I had the honor of observing to you orally, the king's government has not failed to take into serious consideration your two long communications relative to Dr. King; but, in consideration of the importance of the subjects treated of in those papers, and the numerous documents which accompanied them, it required a careful examination, and the time necessary to collect the elements to enable it to arrive at a decision and to prepare an answer.

Having been obliged, for this purpose, to recur to various authorities, and to collect and consult a large number of documents, it could not at once give a definitive answer. This labor is now considerably advanced, and I hope, consequently, in a few days, to be able to satisfy the demand you addressed me by your letter of the 15th of June.

If I rightly recollect, I intended to speak to Mr. Wise of the letter which accompanied the dispatch addressed to you, at Spezzia, by the Secretary of State of the United States, and to which I afterwards thought a reply unnecessary.

Accept, sir, the assurance of my high consideration,

A. PAICOS.

Mr. MARSH,
Minister resident of the United States, near the Ottoman Porte.

Mr. Marsh to Mr. Marcy.

ATHENS, *June* 24, 1853.

SIR: I enclose herewith a copy of my last proposal to the Greek government for the adjustment of Dr. King's pecuniary claims against it, and am, most respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WM. L. MARCY,
Secretary of State.

ATHENS, *June* 22, 1853.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's communication of the 8th (20th) June, 1853, and to offer the following observations in reply, together with a proposal for the adjustment of the claim therein discussed, upon so just and liberal a basis that I flatter myself that the government of his Hellenic majesty will at once accede to the terms proposed.

Although the offer of the ministry of foreign affairs, to compensate *the claimant* for the obstruction of his proprietary rights, might seem

to render superfluous the discussion of the question whether he ought to have sought redress against the government of Greece by an appeal to the local tribunals, yet, as I consider the extraordinary position assumed by your excellency, in regard to this point, as wholly inadmissible, and as tending, if allowed to pass unquestioned, to lay the foundation of a dangerous innovation upon the established principles of international law, I deem it my duty to protest against it, and to suggest some brief remarks respecting it.

Every government, by virtue of its supreme power over its subjects, may establish such rules respecting the proof of their claims against it as it thinks proper, and it matters not whether the board of trial be a chamber of accounts, a legislative committee, a judicial tribunal, or other subordinate and dependent jurisdiction. It may also, by virtue of the same supreme authority, deny them justice altogether; but in respect to the claims of aliens, not founded on contract, but upon forcible acts of the government, by its authorized agents, it has no more power to oblige the aggrieved party to resort to tribunals created by, and dependent upon, itself, than it has directly to constitute itself the sovereign judge of such claims, and to arrogate to its decisions the binding force and effect of a judgment by a court of competent jurisdiction. The President of the United States might, in his discretion, have referred the claimant in the present case to the tribunals of Greece for redress, and, but for the very sufficient reasons suggested in my note of May 17, he in all probability would have done so: but the principle *nemo in propria lite judex* is, with few limitations, as applicable to governments as to individuals, and the innovation which your excellency proposes, upon the received rules of international law, will, it is believed, meet with no recognition among the powers of the civilized world.

Dr. King acquired title to the lands in question before the organization of the present government of Greece, and although since resident in its territory, he has never become, by any act of his own or by operation of law, entitled to any right, or subject to any liability, of the Greek subject, except those which are common to all foreigners alike within the territorial jurisdiction of that kingdom. He has, therefore, forfeited none of his rights as an American citizen, and those rights are in no way impaired by the fact that he has been for some years commorant at Athens.

Nor is there, so far as the question at issue is concerned, any distinction between claims accuring from the obstruction of rights to landed property and those founded upon a wrong to the person or to personal estate.

If, therefore, the government of Greece, instead of illegally interfering with his proprietary rights, had impressed his person, and compelled him to do military service on board a ship of its armed marine, or had forcibly seized, and applied to puplic use, a vessel or cargo of his found in the waters of Greece, or committed any other violent wrong upon his person or estate, it might, with equal propriety and justice, have turned him over to any court or commission it chose to select or create for the occasion, and required him, *in place of invoking* the interposition of his

own government, to establish, to the satisfaction of such tribunal, the justice of his claim to redress.

Nor can it be argued that a resort to the local tribunals is a condition precedent to an application to the alien's own government, because, if he voluntarily submits himself to their jurisdiction, and the decision be adverse to him, it would be urged that upon general principles the judgment of the court was conclusive, and that the matter had become *res judicata*.

It is evident, therefore, that if the principle contended for by your excellency be admitted, any government may release itself from all responsibility for every wrong, however flagrant, to the persons or property of foreigners, by referring them to jurisdictions of its own creation, and thus the right of nations to interfere in behalf of their own citizens, injured in their persons, or deprived of their estates, by the wrongful act of foreign powers, might be at once practically abolished.

The government of Greece will readily perceive that the admission of a principle fraught with consequences so mischievous would be in the highest degree prejudical to the welfare and the honor of independent sovereignties, and would powerfully tend to weaken the confidence of nations in the good faith of each other, and perpetually to interupt those amicable relations, and that freedom of intercommunication between the different countries of the civilized world, which it is now the aim of all wise governments to facilitate and promote.

In applying, as I have done above, the qualification *illegal* to the interference of the Greek government with Dr. King's proprietary rights, I do not use the word in an offensive sense, or as charging the government with the deliberate commission of a moral wrong, but simply as indicating that the acts complained of were the acts of an arbitrary power, and not conformable to any law of Greece.

Dr. King's rights have been obstructed at various and frequently recurring periods, between 1835 and the present hour. The ordinance of 30th January, (11th February,) 1834, for removing the seat of govment from Nauplia to Athens, provides that the streets and squares of the new city should be opened immediately. The plan of Cleanthes and Schaubert, to which that ordinance referred, was forthwith abandoned, and your excellency admits that the ordinance adopting and sanctioning the plan of Klenze, (which plan is believed to have been prepared as early as 1835,) was not issued(émise) until 1848.

No street or square was ever opened upon Dr. King's land, nor was any demarcation of the limits of a street or square ever made upon the land by visible boundaries, or communicated to the claimant. The liability of the demus, by the plain words of the law and the decision of the Greek courts, does not attach until the street be "opened." It was not the duty of the demus, nor had it the power, to open streets in Athens, both because, according to your excellency's declaration, there was no approved plan until 1848, and because the execution of the plan was never committed by law to that body. It is no longer pretended that the steps contemplated by the royal ordinance of the 12th November, 1836, for fixing the proportions of the indemnity to be *paid by the* demus and the neighboring proprietors, were ever taken, *nor indeed* could they be taken, until the plan of the city was

inally determined upon. It is, therefore, idle to contend that Dr. King ould have maintained an action against the demus before the year 848, nor does the ministry of foreign affairs, if I understand your xcellency's argument, maintain that a suit would have lain against he demus before that period.

Has any liability on the part of the demus been since created? Inlependently of the objection, which, in accordance to the opinion of he Greek courts, I hold to be conclusive, that it is the opening of the treet or square alone which makes the demus liable, it does not appear to me that the plan of Klenze has ever been adopted in any such way as to give it binding force.

Your excellency is pleased to observe, that the ministerial ordinance dopting that plan was issued in 1848. The word selected by the ninistry of foreign affairs implies publication, and I can only understand your excellency as referring to the mode of promulgation pointed out by the first and second sections of the royal ordinance of February 1, 1833, according to which, laws and ministerial ordinance take effect rom the time of their publication in the government gazette.

I have searched the Ephemeres for 1848 in vain for the ordinance in question, and do not learn that it was ever promulgated in that journal at any later or earlier period. There is, therefore, no legal presumption that Dr. King had notice of the existence of the ordinance in question, and, as a matter of fact, such notice is denied by him. It is now, I think, sufficiently shown, that Dr. King was at no time *bound* to sue the government, and that he never *could* have maintained an action against the demus. That he might have sued the public in 1844, and even obtained a judgment against it, is possible; but, when he was notified by Mr. Londos, in 1844, that if not paid for his land in ten days he might resume the use of it, he had no motive for sueing the government, because he preferred to retain the peaceable possession of his land, rather than to part with it upon the principles of compensation adopted by the court in the case of Raftopoulos, and in the spirit of friendly regard which, in spite of the great wrongs which he has here unworthily suffered, he has uniformly manifested towards the government and people of Greece, he chose to waive his claim for past damages, instead of annoying the public, by further agitating a subject which the solemn declarations of the government, through the ministry of the interior, authorized him to believe was now settled forever.

He now remained in the quiet enjoyment of his own for some years; but no sooner did he attempt to turn the property to profitable account, than he was again forbidden by the public authorities, and this took place, not as your excellency supposes, first in 1850, but in 1848. He had clearly, even now, no legal claim against the demus, for the reasons already urged, and the fierce hostility to which, as is well known to his majesty's government, he had well nigh fallen a victim in 1847, in consequence of the machinations of the infamous Simonides and his confederates, had now taught him that it was too late for him to seek redress through any other local channel than by direct appeals to the magnanimity and justice of the government of his Hellenic majesty.

This appeal was made *and unfortunately* rejected, as it had been on a former occasion, *and it was only after* repeated ineffectual efforts to

obtain satisfaction from the government of Greece that he invoked the interposition of the President of the United States.

Upon a full and careful consideration of the case, the government of the United States, as your excellency is already advised, resolved to interpose in his behalf, and I take this occasion to rectify an error into which your excellency may perhaps have fallen, in supposing that the President of the United States is merely exerting his *good offices* in bringing about a settlement of this long pending dispute. I am instructed, as I observed in my former note on this subject, formally to demand the payment of a reasonable indemnity to Dr. King, and this demand I now repeat in behalf of the President of the United States.

My instructions from the government of the United States forbid me to prolong this discussion, and, as the argument is, in my judgment, sufficiently developed, it must now be brought to a close.

As your excellency informed me some weeks since that his majesty's government was making inquiries into the value of the land, with a view of fixing the compensation to be paid to Dr. King, I had hoped that some distinct proposal would have been made on the subject, and I regret that your excellency did not think proper to suggest either a specific sum, or some more clear and certain principle of compensation than the doubtful rates at which some parcels of ground might have been sold eighteen years since, at a period when the complete uncertainty with regard to the plan of the city prevented frequent sales, or the establishment of anything like a regular market price for lands in that part of Athens.

Although Dr. King's proprietary rights were obstructed in 1835, yet no legal measures were at that time taken to deprive him of the title to his land and to vest that in the Greek government. Although, therefore, he is entitled to damages for the loss of the profitable use of his lands from that period, yet he is not bound to treat them as having been at that time transferred to the government, and to content himself with the price for which they could, under the existing circumstances, have been sold. For this reason, I cannot accept the criterion of value proposed by the ministry of foreign affairs, but I am happy to avail myself of the liberal spirit of my instructions, by suggesting a certain, clear, and moderate rule of damages, which I beg your excellency to understand is the lowest that my instructions allow me to propose. Before stating this rule, I think it proper to apprise the ministry of foreign affairs that no deduction from the amount proposed will be made on account of rents received by Dr. King, because I find, upon an examination of the debt and credit account, which he has carefully kept in respect of the land, that, irrespective of any compensation for his own time, labor, and trouble, and omitting all charge for expenses of removal of building materials, collected for use upon the land, and which the public authorities have forbidden him to employ, the amount of his expenditures for walls, buildings, and other disbursements connected with the land, subsequent to the original purchase, exceeds the amount of rents received by nearly three thousand drachmas, besides which, if this proposal be accepted, he will be obliged to repay to *tenants about* four hundred drachmas for rents received in advance for *leases yet unexpired.*

I propose, then, to take, as the basis of estimation, the appraisal of the land of Mary Raftopoulos, in 1844, when the principle of the liability of the government was first legally established.

That appraisal, as your excellency is aware, was made in due course of law, by order of court, in a suit to which the government was a party, and, though resisted by the crown, was confirmed by the court. The lands of Dr. King are evidently more valuable than those of Raftopoulos, because they are more elevated, otherwise better situated, and provided with several abundant and costly wells, and, therefore, the valuation proposed is a fair one, so far at least as the government is concerned. Upon the amount thus ascertained Dr. King is entitled, of course, to interest, and it is doubted whether the rule of Greek law, which restricts the accumulation of interest to an amount equal to the principal, is here applicable, but I waive this objection, and consent to allow the rule. The land of Raftopoulos was appraised at six and a quarter drachmas the common peek, and the addition of the lawful interest doubles the amount.

Besides this, Dr. King is clearly entitled to damages for the loss of the use of his property for the nine years preceding the decision of the court in the case of Raftopoulos, but in the present offer of compromise this claim is waived.

I propose, then, to accept, in full satisfaction of the claim under discussion, the sum of twelve and a half drachmas per common peek for the entire parcel of ground in question; and as the quantity of land, according to a recent estimate of the city architect, is eleven thousand one hundred and one peeks and eleven twenty-fifths, ($11{,}101\frac{11}{25}$,) the total amount will be one hundred and thirty-eight thousand seven hundred and sixty-eight drachmas, (138,768.)

This estimate excludes a small portion of ground containing about four hundred and twenty (420) peeks, for which, as it has been recently purchased, Dr. King is not entitled to compensation on the same principle as in respect to the remaining lands, and he is content to retain the same, or to receive compensation for it in the same way as other proprietors. Neither does it include the buildings or building materials of the houses, fences, or other structures upon the lands, the right to remove which, at any period within six months, is reserved to the claimant.

If, however, it is the wish of the government to open and lay out a street and square upon the ground in question, according to a plan lately communicated to Dr. King by the governmental police, I am prepared to modify the proposal as follows:

The necessary legal steps shall be taken to open the street and square, and to arrange the building lots and temachia according to the plan above mentioned, and inasmuch as there may be uncertainty in regard to the observance of the due formalities required, to vest the title of the portions transferred from one proprietor to another, the government of Greece shall guaranty to Dr. King the title of all portions thus transferred to him. Before opening the street or square, or otherwise interfering with the possession of the land, the government of his majesty shall pay to Dr. King *the price of* twelve and a half drachmas per *common peek for that portion of his* land taken by the street and

square, for which he would be entitled to indemity according to the law of 12th November, 1836, being, according to the estimate of the architect, 2,436 royal, or 4,331 common peeks, and guaranty to him the title of the portions of land transferred to him from the neighboring proprietors, as aforesaid, together with the right of removing from within the boundaries of such street and square, at any time within six months, all stone, bricks, wood, and other materials of the houses, walls, and other structures thereon standing, and the payment of the sum stipulated shall be made in full, without any deduction for fees, stamps, costs, taxes, expenses, or charges of any name or nature whatsoever, so that he receive the entire amount without abatement.

These conditions being fulfilled, Dr. King will execute any proper release or assignment of his supposed rights against the demus and the neighboring proprietors; but as I am of opinion that he has no such rights at present, the assignments must be so drawn as not to expose him to any liability in case the government shall not be able to enforce such supposed rights.

By this proposal, Dr. King loses 1,688 royal or $3,001\frac{3}{12}\frac{3}{5}$ common peeks, without indemity, and in this respect the proposal is more favorable to the government than that suggested by your excellency, which offers payment for the whole land taken.

In my judgment, Dr. King is morally and legally entitled to a higher compensation than he will receive by either of the above proposals; but the offer is made with his cheerful assent, and I am confident that his majesty's government cannot fail to find in it a new proof of the friendly disposition of the President of the United States, as well as of the moderation and reasonableness of the claimant's wishes and expectations.

It must, however, be distinctly understood that this offer is made by way of compromise only, and that unless it be immediately accepted, the proposal, and every part of it, will be withdrawn, and the President of the United States will remain at full liberty to demand such other and further satisfaction as he may deem just.

I avail myself of this occasion to renew to your excellency the assurance of my distinguished consideration.

GEORGE P. MARSH.

His Excellency A. PAICOS,
Minister of Foreign Affairs.

Mr. Marsh to Mr. Marcy.

[Extract.]

ATHENS, *June* 24, 1853.

SIR: I have the honor to enclose herewith a translation of Mr. Paicos' note of the 9th, (21st,) referred to in my dispatch of June 23d, and my reply thereto.

The insincere and evasive character of this note deserves, in my *opinion, a much* more severe rebuke than I have considered it within

my province to administer, and I trust I shall not be thought to have gone too far in the expressions of dissatisfaction which I have used in my reply.

Although I have seen no evidence of the possession of great legal acumen by the ministry or the courts of Greece, yet I can by no means believe Mr. Paicos so destitute of intelligence as really to have misunderstood the position of the President, or the nature of the demand made by him. The minister of foreign affairs knew perfectly well that the President asked, not the annulling of a judgment, but the mitigation of a sentence—a power which the constitution of Greece most clearly bestows upon the king, and which, in fact, is very frequently exercised by the crown.

* * * * * * * *

You will observe, sir, that Mr. Paicos declines entering into any argument in maintenance of the decision. Doubtless it would be going too far to say that legal ingenuity could not possibly, in any degree, palliate the apparent gross iniquity of the judgment; but, at the same time, I remain convinced that it can never be shown to have been warranted by the facts or the law; and, until the ministry shall condescend to state the grounds upon which they sustain the judgment, I shall believe that they themselves regard it as erroneous and corrupt.

In acknowledging the receipt of Mr. Paicos' note, on the 22d of June, I had said: "In communicating to his majesty's government, through the ministry of foreign affairs, the opinions and the just expectations of the President of the United States on this subject, I substantially fulfilled my instructions with regard to it, and it only remains for me to express my surprise and concern at the character and tone of your communication—sentiments in which, you may be assured, the government and people of the United States will deeply share—to reply, at an early day, to such portions of that communication as seem to me to merit notice, to report the correspondence on the subject to the President of the United States, and to await his further instructions in the premises."

On the 23d of June I received a note from Mr. Paicos, relating principally to the other question between Dr. King and the Greek government, but concluding as follows: "I cannot close this communication, sir, without expressing to you the astonishment and the lively regret I have felt on perceiving, by some expressions of your note of the 10th (22d) June, that the character and the tone of that which I had the honor to address you, under date of the 9th (21st) June, have caused you surprise and chagrin.

"It was far from the intention of his majesty's government to give to that communication a character which would in the slightest degree excite the susceptibility of the government of the United States. Its only aim was to demonstrate that the complaints of Mr. King were destitute of foundation, and that all he has said concerning the intolerance of the dominant religion in Greece was unjust. Begging you to give credit to this frank and sincere explanation, I seize this opportunity," &c., &c.

I can venture no opinion upon the question whether the sentence of banishment *will be enforced against Dr.* King, but I think it possible

that my reply may draw out an answer of a more explicit, if not of a more satisfactory, character than Mr. Paicos' note of the 9th (21st) June.

I have the honor to be, sir, with the highest respect, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,
Secretary of State.

[Translation.]

Ministry of the King's Household and of Foreign Affairs.

ATHENS, *June* 9, (21,) 1853.

SIR: I have received the note, under date of May 13th, which you have been instructed by the President of the United States to address me, on the subject of a judgment rendered against Mr. King by the court of correctional police at Athens, and affirmed in part by the areopagus.

I will not conceal it from you, sir, that the perusal of that note has produced a lively and painful impression upon his majesty's government, for it not only criticises the judgment of which Mr. King complains, but it assails the courts of Greece in general, her magistrates, and the whole nation.

This impression becomes more painful because the attack proceeds from a government whose respect for national and judicial independence, and for the principle of *res judicata*, is carried even to worship, and the President of which (in whose name the complaints of Mr. King are brought to the notice of his majesty's government) is known for the severe principles of justice that distinguish him.

It is said in the note that the President of the United States cannot place confidence in our courts for three causes, all of which, in his opinion, must have contributed to the rendition of the judgment against Mr. King, namely:

1st. The non-recognition in Greece of the principles of criminal law elsewhere generally received;

2d. The selection of persons to preside over the tribunals who entertained false notions of the judicial character; and

3d. The prevalence of prejudices against Mr. King which, in this case, corrupted the fountains of justice.

You will permit me, sir, to protest warmly, and to abstain from replying to charges as grave as unusual, which one government thinks itself entitled to address to another equally independent and sovereign. It would not be difficult to show, and to prove to you in the clearest manner, by an argumentative analyses founded upon the law and the fact, the complete injustice and inadmissibility of Mr. King's complaints, as well as the incorrect and imaginary character of his allegations, with respect to the course of the trial and the judgment in which it resulted.

Greece may boast, without appearing too partial, and without fear of contradiction, of the administration of justice in her States. The independence of the judicial authority, carried to its utmost limits, is, to all those who have visited Greece, a truth attested by facts, and which Mr. King cannot but admit at heart, if he will but be just and impartial. I am, therefore, much pained that, for the reasons above alleged, I cannot enter into the details of your note, and follow you over the ground, which would engage me in a theoretical and professional discussion that would be superfluous and tend to no result.

Mr. King may, indeed, regret that the judgment in question is not in accordance with his views and his interests; but, residing in Greece, and subject to her laws, whose protection he has enjoyed for twenty-five years, he is none the less bound, as any other person would be, to submit to the judgment.

All idea of national sovereignty and independence would be completely destroyed if every foreigner who thought his interest prejudiced by a judicial act of a legally constituted tribunal in the country of his residence, issued in the forms prescribed by law, were authorized to protest against such act before a foreign authority, and, under the pretence of illegality and oppression, to procure its interposition in the character of a supreme judge over the judicial authority of another independent State.

This principle, if it could be once admitted, would overthrow all the notions and all the rules of the law of nations hitherto received among civilized nations. It would establish a new principle, which, applied alike to all States, great or small, and to all governments, whether powerful or weak, would involve the consequence of excluding foreigners from the local jurisdiction, or of compelling the allowance of their claims, whether well or ill-founded, upon penalty of exposure to foreign interposition.

Either of these results, which are equally inadmissible by the law of nations that governs us, would plunge this age of justice and intelligence again into the darkness of the remotest eras. But let us hear Mr. King. Of what does he complain? He specifies no forcible or violent act against his person or his property; and the President of the United States himself is willing to admit at least as probable the observance of form in the trial of Mr. King, and the judgment which condemned him. If, then, we do not mistake the nature of his claims, he complains of a misapplication of the law proceeding, according to him, from a false interpretation, which, duly analyzed, constitutes in legal language an erroneous judgment, the only remedy against which would be the ordinary proceedings in error. This is the only actual security possible against judicial errors; and, even in the case of bad faith on the part of the judges, it could only be a cause of appeal to the justice of the country, in order that it be severely punished by the course of proceeding provided for and pointed out by law. When the remedy provided by the law has been exhausted, any further appeal would be illegal, and any authority which should attempt to interfere would be incompetent, and would be guilty of an abuse of power.

His majesty's government itself would lie under the most absolute

constitutional inability to take Mr. King's claims into consideration; for, respecting religiously the independence of the judicial authority, it submits itself without complaint to the sovereign decisions of the tribunals of the land, after having exhausted the remedies allowed to it by law. It is surely a manifest error to suppose that, after such a judgment as has been rendered against Mr. King, neither the Protestant, nor the Catholic, nor the members of any other sect, without excepting even the prevailing religion of the land, would be free in Greece. This supposition being contradicted by actual facts, I need not declare to you here that all forms of worship recognized as compatible with society are declared free in Greece, and are equally protected; they are accordingly freely and formally practised.

No complaint has ever been made of any disturbance or hindrance experienced by any one in the performance of his religious duties. One does not find everywhere, sir, the same freedom of conscience, in spite of the intelligence of our age. Greece has the honor of being included in the few exceptions which allow it without restriction. It is in Greece, in spite of the gratuitous suppositions of Mr. King, that the Catholic, the Protestant, the Mohammedan, and the Jew discharge in full liberty their duties to God in their temples, side by side with the Greek church, without molestation or disturbance.

I appeal, sir, to your own testimony. You are too impartial not to admit what you have heard, or probably seen, in this respect since your arrival here. There are in Greece ecclesiastics of different Protestant communions. They have all performed for many years the duties of their religion with unbounded freedom. They have never complained of prepossessions or of popular prejudice against them, and still less of any manifestation of hatred towards them. Ought we not hence to infer that Mr. King owes it to himself, if he alone, among so many others, has been the object of severe criticisms and sincere warnings, and if he has ended by drawing upon himself the attention of justice by his obstinacy? It is difficult to be in the right against all the world, yet this is what Mr. King claims.

Mr. King ought to have had more respect for the religion of the country which has bestowed its hospitality upon him, and which for more than twenty years has sheltered him with the powerful protection of its laws. He ought to respect its religious convictions, because it respects and protects those of all.

The Greek people, the people which Mr. King endeavors to mark as a people superstitious and full of prejudice, and that anti-christian holy synod, as Mr. King styles it, which launches anathemas at the heterodox, see, with no less indifference than respect, temples belonging to religions different from their own rise before their eyes, and the religious processions and funeral ceremonies of these sects, environed with all possible pomp, pass before them, without disquieting themselves on the subject. Besides, there have been for many years, at Athens and at Syra, respectable persons belonging, as well as Mr. King, to the Protestant church, who are charged with the instruction of youth of both sexes, and who, always esteemed and respected, have had cause only *to applaud* the justice which has been rendered them, whenever any *suspicion has* been unjustly excited against them.

Why then, should this people, so tolerant, so indifferent toward others, prejudiced or excited against Mr. King, without any cause on his rt? This would be incomprehensible, were it not explained, and that y naturally, by the fact that Mr. King, alone among all, has under- en to assail the religion of the land. Your impartiality and your ht and just judgment will convince you, sir, after this frank and sin- e explanation, that Mr. King wrongfully complains of the false and icult position in which his own misconduct has placed him in Greece, l that he ought to feel now the responsibility he has assumed towards own government by invoking and claiming its intervention in a mat- as unjust as it is unsustainable.

I only regret that you did not think proper to honor me with your ıfidence last year, when you stated to me the object of your mission Greece, and when I in vain endeavored to put at your disposal all means, whether official or officious, which I could control in my ible character of minister of foreign affairs and of justice, to facilitate ır task in the search and discovery of the truth. What pains and stakes would thus have been avoided.

You are now, sir, in a condition to judge, by what precedes, both of merits of Mr. King's claims and of the impossibility which his ma- y's government finds in the institutions of the land of proceeding even a partial revocation of a judicial act now become irrevocable; l all its desires to gratify the President of the United States could cover the responsibility of exercising an excess of power on its part.

His majesty's government has not forgotten, and the nation still re- mbers with gratitude, the sentiments of noble sympathy and of ierous affection which the people of the United States and its gov- ment manifested towards Greece during her glorious struggle for ependence. It hopes these sentiments are not yet effaced from the irts of that people, and that the present honorable President in a ely manner shares them.

His majesty's government congratulates itself on the opportunity w offered it of solemnly bearing testimony to the sentiments with ich the Greek nation is penetrated toward the people and the govern- nt of the United States; but it is convinced that it would fail to fill the conditions of its independence, and even of its existence, if were to attempt to set itself above the law.

Accept, sir, the renewed assurance of my high consideration.

A. PAICOS.

ATHENS, *June* 23, 1853.

YOUR EXCELLENCY: In replying to your excellency's note of June 9, l,) 1853, I deem it proper in the outset to observe. that your excel- ncy has throughout misconstrued the position taken by the President the United States, and by myself, in stating the views of the Presi- nt with regard to the illegality of the judgments of the court of cor- ctional police and of the areopagus against the Rev. Jonas King.

The President of the United States has indeed expressed a decided inion that the *judgments referred to* were unjust, oppressive, and

illegal; he has supported that opinion by reasoning, which must be admitted to be at least *prima facie* sufficient, and which your excellency has not found it convenient to attempt to refute; but he has not asked the government of Greece to express any censure or disapproval of the action of the court, or in any manner to annul, rescind, or vacate the judgment which they have rendered.

So far therefore as your excellency's note of June 9, (21,) is to be considered as argumentative, it is directed against a position which the President of the United States has never assumed, and your excellency's denial of the constitutional power of his majesty to "take Dr. King's claims into consideration" is wholly gratuitous, and inapplicable to the matter under discussion.

By the thirty-second article of the constitution of 1844, the king is empowered to remit, commute, or mitigate the sentences of the criminal courts. The framers of that constitution were aware of the distinction recognized in all civilized countries between the *judgment* of a court in a criminal case, which establishes the legal guilt of the prisoner, and the *sentence* which fixes the measure of punishment to be inflicted. They wisely gave the sovereign no power to interfere with the former, but full authority to dispense, in whole or in part, with the execution of the latter. This power was conferred, not to enable the crown to bestow graces upon guilty favorites, but to promote the ends of justice by remitting sentences improperly imposed, or which, for other reasons, it was inexpedient to enforce, and it is the clear duty of the advisers of the throne to recommend the exercise of this prerogative whenever, through error of the court, popular prejudice, or any other cause, a wrongful sentence has been pronounced.

Nor can it be denied that it is the right and duty of every government, whenever it sees cause to believe that one of its subjects has been wronged by the judgment of a criminal court in a foreign State, to ask the supreme authority to remit the execution of the sentence. In such case, it would ill befit the dignity of the head of a foreign government to ask such remission as a mere matter of favor, without setting forth the grounds upon which he thinks the execution of the sentence would be an act of injustice; and when such reasons are urged by such an authority, a decent consideration for the chief of a sovereign State, as well as for the opinion of the civilized world, requires that his arguments should be dispassionately weighed, and respectfully answered.

It is precisely the course suggested above which the President has pursued. He has simply pointed out the errors in the proceedings of the court, and the absurd and disastrous consequences which would follow from the sanctioning of those errors, and asked, not that the judgment be rescinded, but that his majesty the king exercise his royal prerogative of remitting the infliction of the residue of a sentence believed to have been unjustly pronounced. There is therefore not the slightest ground for treating the demand of the President as a request that his majesty should "commit an abuse of power," or "put himself above the law," or for contending that the king has not the same constitutional right of "taking Dr. King's claims into consideration" that he has to listen to a like application in behalf of any other person con-

victed of an offence against the laws of the State. If, then, your excellency's reasoning has any force, it tends to prove that, though the crown may pardon the confessedly guilty, he cannot remit the sentence of an innocent person wrongfully convicted.

It is no answer to this view of the case to say that the President is not entitled to a reply, because he has censured the conduct of one of the organs of the government. Judicial tribunals, as well as other human authorities, are frail and fallible, and whenever, through ignorance, corruption, prejudice, subserviency to political, popular, sectarian, or other special misguiding influences, or, through mere mistake, they err, it is fit and becoming that either governments or individuals, prejudiced by their improper judgments, should point out their errors, and ask to have the injurious consequences of those errors, so far as may be, prevented.

It is impossible that, upon a calm and dispassionate view of the case, your excellency should fail to appreciate these principles, or the position of the President of the United States in regard to their application in the present instance. It is therefore a matter of extreme concern to me that your excellency, instead of frankly meeting my exposition of the President's views and the grounds of them, should have declined all argument, all explanation, and taken refuge behind the principle of the inviolability of the judgments of judicial tribunals; and it is difficult to resist the belief that the conduct of the tribunals was left undefended, because it was indefensible. The mere refusal of the government of Greece to accede to the moderate and reasonable demand of the President, under such circumstances as the present, would, of itself, be a source of regret to the chief magistrate and people of the United States, but the case assumes a much graver aspect when the refusal is coupled with an official declaration from the minister of foreign affairs, which, however disguised by diplomatic courtesy of phrase, cannot be otherwise characterized than as a distortion of the President's position, and as, in essence, disrespectful to that eminent personage.

Your excellency's note will be recived with serious displeasure, but it is not for me to say what notice the President of the United States may think proper to take of such treatment at the hands of the ministry of a government supposed to be animated with a friendly disposition towards the United States, and I therefore dismiss this part of the subject.

Your excellency is pleased to dwell at some length on the religious liberties secured by law and enjoyed in practice in Greece by the members of other confessions than that of the dominant church, and on the "indifference and respect" manifested by the synod and people of Greece towards other sects; and in the course of this eulogium upon the Greek clergy and people, your excellency insinuates that Dr. King has applied the epithet "anti-christian" to the synod. I greatly doubt the fact, if that be the meaning, but if, in this, as apparently in other parts of your excellency's note, it is meant to personify the President of the United States, or myself, under the name of Dr. King, I deny the charge and demand its retraction.

I indeed *expressed the opinion that the* language I quoted from the

synod, in its anathema against the ministers of the Catholic and of Protestant churches, but ill befitted christian teachers, and was characterized by an unchristian bitterness, and I doubt not your excellency is, as I still am, of the same opinion: but your excellency cannot fail to perceive that this is a very different thing from charging the synod with being anti-christian in organization or character.

I have never denied that the constitution and laws of Greece guaranty the largest religious liberty, and that a considerable degree of tolerance exists in practice. The very ground of complaint is, that this tolerance is denied to Dr. King, and that he has been excluded from the enjoyment of the rights secured by law to *all*, and practically conceded to others. There is, therefore, no occasion further to discuss this point, but it is easy to imagine that the "respectable persons," referred to by your excellency, and other dissenters from the dominant church, may owe their exemption from the persecutions under which Dr. King has suffered partly to discretion in abstaining from availing themselves of the full extent of their legal rights, and partly to the fact that prudential considerations, which will readily suggest themselves to persons acquainted with the political relations of Greece, may have served them as a more effectual protection than the "indifference and respect" of the clergy and laity of the dominant church, or than the impartiality and integrity of the judicial tribunals.

I suspect, moreover, that an impartial observer, who should peruse the anathemas I have quoted, study the columns of an Athenian journal, well known as the organ of an influential body in Greece, gather the opinions and sentiments that have been openly expressed in regard to certain recent public religious acts of the officials of another church, inquire into the exciting motives of the mob, which, not many years since, maltreated the family and pillaged the dwelling of an unoffending Hebrew at Athens, and especially should investigate the history of the persecutions of Dr. King, in 1846 and 1847, in which Simonides was the most conspicuous actor, and inquire who were the real movers of that conspiracy, would conclude that your excellency's picture of the liberal and tolerant spirit that distinguishes the Hellenic church was rather highly colored. It is with pain that I allude to circumstances of which Greece has so little cause to be proud; but your excellency compels me to do so, by insisting on the absence of a spirit of intolerance as a presumptive proof that Dr. King must have merited the hostility he has experienced.

Your excellency is pleased to regret that I had not availed myself, on a former visit to Athens, of your offer to confer with me confidentially on this subject. Your excellency is aware that confidence is properly mutual. My instructions did not empower me to enter into correspondence with the Greek government, and I could not, of course, communicate with the ministry with the necessary freedom. But I had a still stronger reason for not availing myself of your excellency's offer. My only commission was, to inquire whether the legal rights of Dr. King had been respected; and upon this point the proper legitimate sources of information were, the laws of Greece, and the history *of the trial*—the statute and the record. Upon these the question was to *be determined*; upon these the President's opinions have been formed.

At the same time, as all the zeal of the pretended converts, who were employed as spies upon Dr. King, and all the other efforts of his persecutors, have failed to establish a single fact which warrants the judgment against him, I can hardly suppose your excellency to be possessed of evidence which can have any *legal* bearing upon the question of his guilt or innocence; and as, moreover, his majesty's government has not thought the *President's* serious appeal to its magnanimity and sense of justice worthy of any but an evasive reply, it is not probable that *I* should have been honored with disclosures of a more important character.

It is true, as your excellency remarks, that the government and people of the United States felt a profound sympathy with the Greek nation in its honorable revolutionary struggle. That sympathy was founded not more on the early history and later sore oppression of the Hellenic race than upon the liberality of spirit manifested by the enlightened patriots of that era, in the early organic laws of the nascent state, which proclaimed the amplest religious liberty to all, and encouraged the hope that the new member of the European political system would be as distinguished for its just appreciation of the true principles of human freedom, as its ancient territory had been for its prowess in arms and its achievements in literature and the arts.

It will be a source of deep concern to the American government and people to find that the present authorities of Greece no longer recognize the principles so nobly declared, and so often repeated, by their immediate predecessors, and still so distinctly avowed by the formal words of the constitution and laws which their assent has sanctioned.

They will profoundly regret that Greece is disposed to trifle with sympathies so honorable, so heartily felt and so generously expressed, and that regret will be in no respect diminished by the fact that it is one of the most active and conspicuous of the early agents of the American people for the expression of those sympathies, whose treatment by Greece proclaims that she now repudiates them.

I renew to the minister of foreign affairs the assurance of my distinguished consideration.

GEORGE P. MARSH.

His Excellency A. PAICOS,
Minister of Foreign Affairs.

Mr. Marsh to Mr. Marcy.

[Extracts.]

SPECIAL MISSION TO GREECE,
Constantinople, July 6, 1853.

SIR: On the 24th of June, I received a note from the minister of foreign affairs, begging a delay of a few days, for considering the proposal made to the Greek government by my note of June 23d, in relation to Dr. King's pecuniary claims, and as the reasons urged by him, which *were founded mainly on the* difficulty of action by a constitu-

tional government upon so short notice, appeared to me sufficient, I consented to the delay. In the course of the day I had an interview with Mr. Paicos, and received from him strong assurances that the affair should be settled upon such terms as should be reasonably satisfactory to all parties, and that no time should be lost in taking the necessary measures for that purpose.

In the meantime, as the unexpected departure of Commodore Stringham had left the American citizens at Constantinople, at a moment of great excitement and alarm, if not of danger, without any efficient protection, I thought it expedient to proceed to this capital in the Levant, and I accordingly sailed from the Piræus on the 25th of June, and arrived here on the 5th of July.

It is my purpose to return to Athens, as soon as the posture of affairs appears to me to justify my absence from Constantinople, and I hope then to conclude the arrangement of the land question with the government of Greece without further delay.

I have this day received an unofficial note from Mr. Paicos, chiefly referring to the valuation to be put upon Dr. King's land, which concludes with the following parragraph:

"In conclusion, sir, with your permission, I will not pass over in silence the pain which the perusal of your note of the 23d of June, received after your departure, has given his majesty's government, on account of the intention which you thought you discovered in my communication of the 9th (21st) June, neither the letter nor the spirit of which at all admit the sense which has been wrongly imputed to it. His majesty's government was the less prepared for such an interpretation, because I had, immediately on the receipt of your note of June 22d, hastened to give you a frank and sincere explanation of the object of that communication, and the spirit which dictated it."

Mr. Paicos, it will be observed, does not pretend to deny the misrepresentation and prevarication with which I had charged him, or to palliate or excuse it; and it is evident from the tone of this note, though unofficial, that the Greek government intends neither to comply with the President's request for the remission of the residue of Dr. King's sentence, to correct its * * * misrepresentations of the President's views and demand, nor to condescend to any argumentative or explanatory justification of the * * * conduct of its tribunals in the trial and condemnation of Dr. King.

Upon this point it stands mute, and expects to sustain itself in the eyes of the civilized world by equivocation, prevarication, and misrepresentation of the grounds assumed by the President in demanding the remission of the sentence, and in exposing the illegality of the judgment against Dr. King. It remains, therefore, with the government of the United States to determine whether it ought, under the peculiar circumstances of the case, to take further steps, in vindication of its own honor and the rights of an injured American, or whether the inviolability of judical decisions compels it quietly to submit to the original wrong inflicted upon it in the person of one of its citizens, and the aggravation of that wrong by a ministerial note, which, in spite of all disclaimers, was intended, and will be universally regarded, as a false *and evasive* answer, a fresh injury and a deliberate insult.

I have little doubt that the Greek government will forthwith publish in the journals of Greece, and in those of the principal countries of Europe, Mr. Paicos' note of June 9th, (21st,) as a triumphant exposure and refutation of the ground assumed by the American government in this affair, and I repeat the request, that in such case, I may be allowed to print my notes to the minister of foreign affairs, and such other documents belonging to the case, as may be necessary to refute the misrepresentations which the Greek ministry may publicly make on the subject.

A translation of Mr. Paicos' note of June 9th, (21st,) and a copy of my reply accompany a dispatch dated June 24th, (bis,) but as the package is bulky, and the posts are sometimes insecure, I have retained it for a private opportunity, which I hope will soon offer.

I have the honor to be, sir, your most obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,
Secretary of State.

Mr. Marsh to Mr. Marcy.

[Extracts.]

SPECIAL MISSION TO GREECE,
Constantinople, August 20, 1853.

SIR: Herewith I enclose a translation of a communication lately received from Mr. Paicos, minister of foreign affairs, together with a copy of the reply I have thought it my duty to make.

I regret being thus drawn into a protracted discussion of collateral matters, but I well know that the notes of Mr. Paicos are intended to serve, not properly as answers to the demand of the President, but as a means of misleading public opinion in Greece, and elsewhere in Europe, by misrepresenting the nature of the demands of the American government, and the real character of the question in issue.

This course was pursued with great success in the controversy with England a few years since, and public opinion has not yet been thoroughly disabused in regard to the true history of that case, in which the only error of England appears to have been excess of forbearance.

I shall make no comment upon Mr. Paicos' note, further than to observe that his denial of the distinction between a *judgment* and a sentence, as known in practice in the administration of the criminal law of Greece, and its affirmation of the want of a constitutional power in the crown to interfere with a *sentence*, are perfectly characteristic.

* * * * * * * *

My reply has been prepared less with an expectation of convincing the Greek government, by any refutation and exposure of misrepresentations deliberately made, than because I thought some little familiarity with the language and laws of Greece would enable me, more readily than a stranger, to furnish an answer, * * * if it is deemed proper, for any public *purpose, to make* use of it.

It was suggested to me at an early period of the investigation, that

the prosecution of Dr. King had been instigated by the government, as a means of coercing him to abandon or compromise his claim to compensation for his lands, which had just been renewed. I had then no *proof* that the government had interfered at all in the matter, and I accordingly did not adopt the supposition. I have since been *confidentially* informed, by an eminent person, whose character, position, and relations, entitle him to influence with the court of Greece, and who is neither a protestant nor a British subject, that he remonstrated with the minister of foreign affairs, at the commencement of the prosecution, against the folly and injustice of the whole proceeding, but that his remarks were received with dissatisfaction, and a determination was expressed to sustain the prosecution.

* * * * * * * *

As to the alleged interview between Dr. King and Mr. Paicos, after the conviction of the former, I have no recollection of ever having heard of it before. * * I have, however, written to Dr. King for information on the subject.

In justice to King Otho, I ought to say that I have no particular reason to suppose him acquainted with the steps taken by the ministry, in conjunction with the clergy, to influence the court, and secure a conviction.

* * * * * * * *

I avail myself of this occasion to correct one or two trifling errors in my original report to the State Department.

It is said in the report, that the record "must by law embrace the whole evidence." There are various provisions on this subject, the sum of which would be more accurately stated by saying that the record must embrace all *material* evidence.

The breviary containing the anathemas against unbelievers is the Triodion, not the Enchologion.

I find that I was misinformed in regard to the facts in the case of the Ionian Greek priest, whose prosecution is mentioned in the report. It appears that the offence *charged* against him was not of a religious character, and, though his heterodoxy may have been the motive of his prosecution, it was not the accusation on which the proceedings were founded.

I had not observed any limitation of time within which penal sentences must be executed, but I find a statute of limitations fixing various periods, from two to twenty years, within which different classes of these sentences must be carried into effect.

I have the honor to be your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY, *Secretary of State.*

[Translation.]

Ministry of the King's Household and of Foreign Affairs.

ATHENS, *July* 8, (29,) 1853.

SIR: If I have not sooner replied to your note, under date of June 23, *it is* because I hoped to have the honor of seeing you at Athens in

two weeks, as you had led me to suppose, both by your communication of that date, and in our interview at the moment of your departure. Nevertheless, as your absence may probably be still prolonged for some days, I think it my duty no longer to delay my reply to your above mentioned note.

I know not how to express to you, sir, my astonishment at the mistake ascribed to me, of having misunderstood the position taken by the honorable President of the United States of North America, as well as your own, in the affair of the judgments of the court of correctional police of Athens and of the areopagus against Mr. King.

You declare, sir, that you have not asked his majesty's government to express any blame or disapprobation of the acts of its tribunals, nor in any manner to annul, rescind, or vacate the judgments rendered by them; that your purpose was purely and simply to indicate the errors with which they are marked, in order to show their illegality and injustice, [that the judgments referred to were *unjust, oppressive, and illegal,*] with the view of drawing the attention of the supreme head of the State thereto, to the end that he might exercise his royal prerogative in remitting the residue of the punishment incurred by Mr. King, in virtue of judgments, in your opinion, unjust and oppressive.

Starting from this principle, you find all I have had the honor to express to you, in my note under date of June 9, (21,) concerning the constitutional powers of his majesty, and the absolute independence of the judicial authorities in Greece, inadmissible and wholly inapplicable to the case in question.

I should be grieved to the last degree, sir, if I had had the misfortune to fall into such an error. It is, therefore, necessary for me to cite the facts; and from these facts you will judge whether it is a mistake on my part, or a position which has been forced upon his majesty's government, and which I could not abandon.

We read towards the end of your note of the 13th of May literally what follows: "that the President of the United States expects that a *formal revocation* of the sentence of banishment against Dr. King be *forthwith* granted by the proper department of [the government of] Greece." Some pages above, we find the following passage: "If this decision be *sanctioned* by the government." I have perused, very attentively, your note of May 13, both before and since the reception of that of May 13; it has been impossible for me to find there a single word referring to a demand of pardon, or a word of appeal to the royal *magnanimity* [to its magnanimity.]

I now leave it, sir, to your enlightened judgment, to determine whether the passages above cited admit, in any manner, directly or indirectly, the idea advanced in your note of June 23. I trust you will allow that it was impossible to attribute to the words "*a formal and immediate revocation,*" the sense of a demand of a pardon.

To *revoke* a judgment is, if I am not mistaken, to annul it; not to *sanction* it is not to give it validity. Now, the revocation of a judgment exceeds the constitutional powers of the head of the State, and his sanction is not necessary to the validity of judicial acts.

The royal pardon, *annulling the effects* of a judgment, in whole or in part, *does not revoke it, or in any degree* derogate from its character,

which it preserves, notwithstanding the exercise of the royal prerogative. Hence it results, sir, that the government of his majesty had just and well founded reasons to believe, and it still in good faith does believe, that it is the revocation of the judgment which has been demanded of it, and that a formal and immediate revocation, which you will readily perceive cannot be considered as a simple request. It is in this conviction that it has exposed, in all sincerity, but at the same time with all possible frankness, the absolute constitutional impossibility in which it finds itself, in spite of its desire to gratify the honorable President of the United States, of acceding to such a proposal. The distinction between the judgment which declares the fact established, and the judgment which applies the punishment, though just in theory, is not in practice observed with us.

Our jurisprudence not admitting two distinct judgments in a matter of correctional police, recognizes but one, divided into two parts; but the executive authority, having no power to revoke either the one or the other, while leaving the judgment unaffected, has recourse to the royal clemency, whenever reasons of public interest or special personal circumstances imperiously demand its intervention to introduce any mitigation of the rigor of the law.

Mr. King would have himself experienced its gracious exercise, if he had thought proper to avail himself of it, when he came to announce to me his conviction; this course was suggested to him by me, at the time, as the only legal means to which he could have recourse. He did not choose to avail himself of it, and whose is the fault? At the same time, the non-execution of the judgment pronounced against him, for a year and a half, is a sufficient proof both of the moderation of his majesty's government towards him, and of its regard for his position, as well as for the pecuniary claims which he pretended to have to urge against it. But, supposing the error you ascribe to me really to exist, sir, it seems to me that it was unfair to yield to suspicions that nothing authorized, in ascribing to a deliberate intention an involuntary mistake, which might have arisen from a want of familiarity with a language so little used in Greece. It would have been enough to have pointed it out to me, and a verbal or written explanation would have dissipated all uncertainty, and proved on which side the error lay.

But, whether there was or was not a mistake, his majesty's government cannot but earnestly repel the gratuitous assertion "that it has not thought it convenient to reply to the representations of the chief of a sovereign State, and that it has been wanting in respect towards him," and it warmly rejects such an idea as unjust, rash, and contrary to the sentiments which the Greek nation entertains toward the American people for the kindnesses received from it at critical moments, and to the respect due to its present worthy chief magistrate, who has been called, by his virtues and his eminent qualities, to preside over its destinies. The government would not have disregarded the consideration deserved by a request for a pardon, in the name of the President, if it had been properly expressed.

I am glad, sir, that you have chosen to abstain from all observations *on this point*, not knowing, as you say, what notice the President will *take of the* manner in which his representations have been treated in

Greece. I am quite sure that the honorable President will be greatly surprised at an idea which nothing justifies.

Admitting, as I trust you will, the sense which his majesty's government was compelled to give to your note of May 13, and particularly to the passages above cited, you will no longer find in my note of 9th (21st) June the offensive character with which you reproach it, and I am happy to believe that you will regret having been unjust towards his majesty's government. You will consequently admit that the absolute impossibility in which his majesty's government finds itself of allowing a demand of the revocation of a judgment, and which results from the constitutional institutions of the country, neither can, or ought, to be styled a refusal or a rejection; and that, moreover, the determination not to enter into all the details of a legal proceeding, which could have only ended in a useless and superfluous display of theory and doctrine, was the necessary consequence of this constitutional impossibility. It is, then, neither just nor accurate to say that his majesty's government have not thought the representations of the head of the government of the United States worthy of a reply. Its reply has been full, and in terms of perfect propriety. But you will conceive that a feeling of dignity and of national independence—which you will appreciate, as I am happy to believe, in its true light—prevented me from replying to grave charges, which I have treated at least as unusual, and which I begged you to allow me to abstain from answering.

The omission to reply to accusations of this nature is neither a departure from propriety nor a want of respect; for, in answering them, we must admit them as true or defend ourselves as accused. We honestly think that any demand whatever, addressed by the head of an independent and sovereign State to the head of another State equally sovereign and independent, does not require to be supported by grave imputations in order to be allowed; and we think, further, that even the request "of a favor" has nothing wounding to the government that prefers it, while it honors that which accords it. But let us admit, as a matter of principle, that one ought not to ask as a favor what one may demand as a right, we still think that even in this case a simple, calm, and argumentative exposition of the facts in support of the demand, without anything calculated merely to irritate, would suffice to sustain it.

We do not deny, however, that a government has, in principle, the right of interposing in favor of its subjects unjustly injured in their interests, but we may contest the case and the form of intervention. The tribunals, being composed of men, are necessarily liable to error; hence the institution of higher tribunals, and the frequent changes in the jurisprudence of supreme courts.

It is thence allowable to point out the errors of the judges, and to analyze them in the way of argument and discussion. But to impute to the judges culpable intentions in the exercise of their functions, to ascribe to them dishonesty in the discharge of their duties, is not to point out errors, it is to accuse them; it is to declare them criminal and unworthy of the character with which they are clothed. An error resulting from a *weakness, or a defect of* human intelligence, may be

pardonable; but the government which should show any indulgence to the crimes of a judge would render itself criminal.

It is, then, mere errors that you have pointed out to the attention of the government, or rather acts of dishonesty, worthy of the severest reprehension? The judge, who so far forgets himself as to substitute his passions, his prejudices, and his resentments, for the principles of justice; who, abusing his authority, intentionally perverts the letter of the law to evade its spirit; who, to avoid its just and faithful application, resorts to miserable subterfuges, commits crimes the more reprehensible, because they are perpetrated in the sacred name of justice.

Such, sir, are the acts which you lay to the charge of the inferior and superior magistrates of the realm, and from them, according to you, result the injustice, the illegality, and the oppression of the judgment, the formal and immediate revocation of which you have demanded.

It is clear that even a request for a pardon could not be granted upon such denunciations, without an admission of the truth of the facts charged, and the infliction of a severe punishment upon all the most exalted officers of the judiciary.

His majesty's government would not hesitate to exercise exemplary severity against unworthy magistrates, if conclusive proof could be furnished of their culpability. Guilt is never to be presumed; it demands irrefragable proof. A mere argument upon the false interpretation or wrong application of the law, however well founded, does not suffice to establish the existence of the crime, otherwise every false interpretation or wrong application of the law would constitute, not a cause of further legal proceeding, but a punishable act.

It is a source of lively regret to his majesty's government, that a just idea of the administration of justice in Greece is not entertained in the United States; but it hopes the right will not be denied to it of enjoying that opinion of its judiciary which a long experience of the integrity, the independence, and the ability of its magistrates entitles it to form. While expressing my respect for the reasons which prevented you from holding a direct communication with me on your first visit to Athens, I must be permitted to remain convinced that an oral and confidential explanation would have sufficed to secure an easy and prompt solution of the question which engages us. I did not then propose any official communication, and to prove to you the conciliatory disposition with which his majesty's government has always been animated, I have only to recall to you the waiver on its part of formalities, upon the fulfilment of which it had a right to insist, before receiving and answering your communications.

I hasten to express to you the satisfaction I receive from the explanations you have been pleased to give me with respect to the word anti-christian, [unchristian.] In fully admitting them, I think I may refrain from further explanation on the subject. I only ask you to believe that neither the honorable President nor yourself could ever be intended under the name of Mr. King. You will not take it ill, if I *think* myself entitled to insist on the religious tolerance generally enjoyed *in* Greece, in a complete and absolute manner; and if I can *but regard* as allegations, without proof, all that you are pleased to say

with respect to the considerations to which persons of the different Christian communions owe the protection and tranquillity which they enjoy in Greece.

A few isolated, though much to be regretted facts, like those you mention in your note, no more justify the opinion you would form of the spirit and character of a nation, than the criminal acts which occur in all countries, even the most civilized, characterize them.

In conclusion, sir, allow us to hope that the deep sympathy which the American people so cordially felt, and so generously manifested towards us, in our glorious struggle for independence, is not represented in Greece by Mr. King; and that the worthy and honorable President of the United States is too elevated and too enlightened to make him the arbiter of the noble and exalted sentiments of the American people towards Greece. Of these the Greek people will retain an agreeable recollection, so long as its modern history shall recall to it the fairest days of its national glory.

I think, sir, I have explicitly replied to all the most essential points of both your notes, and that I may hold myself excused from answering anything not closely and necessarily connected with the question which occupies us. I feel myself, in fact, too much embarrassed to reply to the comparison you draw between the enlightened patriots of the epoch of our struggle and the Greeks who now rule Greece, as well as to some other arguments of the same nature. A sentiment of dignity and national honor leads me to prefer silence in this respect, and you, sir, are too just to find this sentiment blameable.

Accept, sir, the assurances of my high consideration.

A. PAICOS.

His Excellency G. P. MARSH,
Minister resident of the United States of North America,
near the Ottoman Porte, charged with a special mission to Greece.

CONSTANTINOPLE, *August* 19, 1853.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of July 8, (20,) 1853, and though I am reluctant to protract a discussion which your excellency has never allowed to turn upon the real merits of the question at issue between our respective governments, but has chosen to confine altogether to matters collateral, I cannot refrain from noticing some of the most remarkable features of this note.

Your excellency begins by detaching from their proper grammatical connexion, and from the accompanying phrases, which serve unmistakeably to qualify and explain them, certain expressions occurring in my note of May 13th; and without noticing the general purport of the President's demand, or the particular phraseology which fixes its character, proceeds to argue, from the language thus detached, that his majesty's government has rightly construed the nature of the demand. In spite of the plain and unequivocal meaning of the terms used in my note, "revocation of" (not the general *judgment* of conviction, but) "*the sentence of banishment,*" and of my own solemn denial of the sense

imputed to these expressions, your excellency is pleased to declare that his majesty's government had just and well-founded reasons to believe, and in good faith *still does believe*, that it is the revocation of the *judgment* which has been demanded of it."

I know that circumstances too often justify skepticism as to the frankness and fairness of intention of governments, and the representatives employed by them, yet I must consider your excellency's attempt to overrule a foreign negotiator, upon a question of the sense in which *he has used* words and phrases of his own language in an official communication, as an assumption quite new in the literature of diplomacy.

Had the question turned on the signification of the words "revocation" and "sentence," *taken by themselves*, the identity of form with that of French words of a somewhat different acceptation, would naturally have suggested the supposition that your excellency's misconstruction of the President's demand was a mere misapprehension, but the suppression of qualifying and explanatory phrases, and the refusal to accept the interpretation furnished by me, and to believe the assurances I have given, (and which I now renew,) in respect to the *sense intended*, would fully justify me, were I disposed to avail myself of a fair occasion for retorting offensive expressions, in declaring that I receive your excellency's disclaimer of a conscious want of respect for the President's representations, and of an intentional perversion of them, with equal incredulity. I prefer, however, to meet and answer your excellency's argument on this point in a different spirit.

I have, in a former note, drawn your excellency's attention to the distinction uniformly made in the terminology of English and Anglo-American criminal law between the *judgment*, which declares the guilt of the accused, legally established, or, in other words, *convicts* him of the crime with which he is charged, and the *sentence* which fixes the nature and measure of the penalty. It should be added, that in the same legal dialect, "revocation" is not a term of art applicable to the rescinding of a *judgment*, but when used at all, as it seldom is in the technical dialect of our criminal law, only to the recalling of interlocutory orders and the like. Judgments are said to be *reversed*, *quashed*, *set aside*, or *vacated*, but "revocation" is used only in reference to matters lying within the discretion of the authority which exercises the power to revoke; and I may here notice, as an exemplification of the familiar use of this word, that in different parts of the very instructions, under which I have the honor to act, the "revocation" and the remission of the sentence in question are employed as convertible and equivalent terms. Your excellency has also overlooked the proper force of the word "grant," immediately following the expression above quoted. We only "grant" what we have the legal right to refuse, and when we ask that anything be "granted," the very form of the demand implies, that however strong we may consider the moral obligation to yield to our request, we, for the time being, do not exact it as a right. But, without insisting upon niceties of technical and verbal criticism, some of which can be supposed familiar only to students of English and Anglo-American law, I am quite sure that your excellency, upon a re-perusal of my note of May 13th, cannot fail to perceive, that, not only

ing was asked beyond the remission of the unexecuted portion of sentence, that, namely, of the *banishment* of this person, so formidable be "common safety" of the realm of Greece, but that, on the con- y, all further demand was distinctly waived. I did indeed endea- , and, as I think successfully, to establish the proposition (a propo- on which your excellency has been too candid to dispute or to mpt to invalidate) that the judgments rendered by the court of cor- ional police, and the areopagus, against Dr. King, were unjust, ille- , and oppressive, as the ground of the President's expectation, that proper department would remit the sentence of banishment; and in course of the argument I pointed out the disastrous consequences ich the *principles* of the decisions involved. It is also true, as your ellency observes, that the President did not invoke the *magnanimity his majesty* in terms, both because he was not advised whether the stitution of Greece lodged a pardoning power in the hands of the wn, its council, the national legislature, or some other body, or pro- led some other mode for remitting criminal sentences; and also be- se he thought, that when the *injustice* of the judgment was shown, magnanimity of the "proper department" would spontaneously tate, at least, the reparation demanded.

The President of the United States would not ask a remission of the tence of a person fairly and justly convicted of an offence implying ral turpitude, nor would he now demand his majesty's intervention he believed that the "common safety" of Greece, which he had sup- sed to rest on a surer foundation, were really exposed to imminent ril from the presence of Dr. King, or that the "morals" of a virtuous ople were likely to be contaminated by the "manner of life, the char- ter, the conduct," or the example of one whose services to the Greek tion had received testimonials of the most flattering approbation om Hellenic sources, which every Greek will readily recognize as en- led to the highest respect.

But to return to the argument. Your excellency cannot but have served that, besides the formal limitation of his demand to the revo- ation of the *sentence of banishment*, the President expressly mentions, mong other reasons for not exacting a full satisfaction, his desire to respect even the *forms* of the law," and his consciousness of "the deli- acy and difficulty of animadversion by one branch of a government pon the proceedings of another," thus, by the plainest implication, aiving all demand of derogation from legal form, all censure of the roceedings of the judicial tribunals. Your excellency is further aware at, in stating the simple and moderate "*expectations*," of the President expressly declare that I was not instructed to demand "any pecu- iary indemnification or other *satisfaction* to Dr. King, (both of which ould have been necessarily implied in the annulling of the judgment *b initio*) or "*any retributive measures* against those at whose hands he ad suffered wrongs so injurious to himself, and so discreditable to the uthorities immediately concerned in the infliction of them." And I oncluded by summing up the whole demand, in expressing my confi- ent belief that *his majesty* would "fulfil the just and reasonable expec- ations of the President, by relieving Dr. King from *liability* to exile, or

other persecution under the wrongful sentence which had been pronounced against him."

As to the other expression, quoted by your excellency from my note of May 13th—"if this decision be *sanctioned* by the government"—I need only remark, that it must be apparent, on the most cursory perusal of the paragragh in which it occurs, that the "decision" here referred to is not the mere judgment of conviction against Dr. King, but the affirmance of the vicious doctrine that the simple public utterance of religious opinions, contrary to those of the Greek church, does, in law, constitute the offence of "attacking that church with malevolent expressions." The words, "*and impartially carried out by the courts*," immediately following, and grammatically connected with the expression above quoted, but which your excellency has not thought proper to cite, unequivocally show that it was not the particular judgment, but its *principles* that I assailed in this part of the argument, which, moreover, referred wholly to the future general evils that must result from the recognition of such principles, and not to the present private and unjust legal consequences of the conviction of Dr. King.

If, then, the real signification of the phrase be sought, your excellency will no longer understand the word "sanctioned" as implying any formal act of the government, or as meaning anything more than a tacit acquiescence in the narrow and erroneous principles laid down by the courts. To avert the evils which would inevitably flow from such acquiescence, the government need neither formally refuse its "sanction," rescind the judgment, nor censure the tribunals, and I may excuse myself from indicating to your excellency the constitutional means by which consequences so deplorable might be prevented.

I conclude, then, that *his majesty's* government neither has, nor has had, any just and well founded reasons to believe that a revocation of the *judgment* against Dr. King has been demanded by the President of the United States, and the President will doubtless be of opinion that the government of Greece, in entertaining such belief, has adopted a hasty conclusion, which it will, upon a re-examination of my note, have the candor readily to renounce.

I have read with surprise your excellency's affirmation, "that the distinction between the "*judgment* which declares the fact established, and the *sentence* which applies the penalty, though just in theory, is not recognized in practice in Greece," because, if your excellency is right in treating these two parts of a criminal process as necessarily an entirety, the proceedings in the particular case we are considering, which not only distinguish, but separate them, as independent portions of the record, are irregular, and the sentence ought for that case alone, if for no other, to be remitted.

Upon referring to the record of conviction, I find that after hearing the evidence and the arguments of counsel, and duly deliberating thereon, the court, first reciting the history of the case, the facts found by it, and its legal conclusions thereon, proceeds to *pronounce* the prisoner guilty, or to *convict* him of the offence charged against him, and to certify, under the official signatures of the justices and clerk, that this *conviction* "was *adjudged*, decreed, and published." Here, then, we *have, in* precise analogy with the English criminal law, the judgment

of guilty, the conviction, complete, distinct, and independent; and having rendered this judgment, the court *ex officio* proceeded no further. But the record informs us further that *after* the publication of this judgment, the attorney general moved the court that the prisoner pronounced guilty *be sentenced*; and upon this motion, and not *proprio motu*, as a matter of course, the court, citing the sections of the penal code applicable to the case, *sentences* the prisoner, before *convicted*, to imprisonment, the costs of prosecution, and banishment from the realm of Greece, and it authenticates the *sentence*, as it had already done the *judgment*, by new signatures of the justices and the clerk; and it is worthy of special notice that this second certificate of authentication *omits* the word *adjudged* for the plain reason that the *judgment* had been completed before.

The distinction under consideration is recognized by article 371 of the penal code, which requires a formal motion by the public prosecutor, and, of course, the concurrence of that functionary, who is not a judicial officer, for the passing of the sentence. By article 397 of the same code which prescribes that the deliberation upon the penalty shall take place *after* the publication of the judgment, and upon the motion of the prosecuting officer, and by other equally unequivocal provisions of the law. But, although the language of the record and of the penal code seems most plainly to distinguish verbally, as well as in form and substance, the act of adjudging from that of sentencing, I shall not affirm that the technical vocabulary of the Greek law furnishes appropriate terms of art *substantive* to designate the one as opposed to the other. Yet, notwithstanding your excellency's repudiation of the "distinction between the *judgment* which declares the fact established, and the *sentence* which applies the penalty," as known to the *practice* of the criminal law of Greece, I think myself well warranted in believing, on the evidence of this record, and of the penal code, that this distinction *is* "recognized in practice," if not in name, in Greece, and I may add, that so far as the *form* of the record is concerned, the distinction is even more plainly marked in the Greek than in the English and American criminal procedure; because in the records of these countries the judgment and the sentence are not separately authenticated, though in contemplation of law distinct.

Your excellency affirms that the "two parts of a criminal judgment" (that which declares the fact established, and that which applies the penalty, as I suppose your excellency to mean, rather than the ——— and the ———) constitute an entirety, and that "the executive power has not the right of revoking either." I have established the proposition that the distinction denied by your excellency does, in practice, exist, and, to overthrow the repeated declaration that the executive has not the right to remit, or, if your excellency prefers the word, to revoke, a penal sentence, I need only refer to the 32d article of the constitution, the phraseology of which is almost identical with that of the sentence in this case. The court, in accordance with the sense and the *terms* of the attorney general's motion, *sentences* the prisoner to the penalty.

The constitution confers upon the king the right of remitting, commuting, and *mitigating penalties decreed by sentence* by the courts; and,

of course, if words have meaning, it is plain that the crown has all the power which the President has asked it to exercise. The fallacy of your excellency's entire argument rests on the mistaken assumption that "revocation" was used in my note as a word of art, signifying the judicial rescinding of a judicial act, and necessarily implying retroactive effects.

Your excellency bases your continued refusal to notice the arguments by which the illegality and injustice of the judgments is urged, as a reason for the remission of the unexecuted portion of the sentence, on the ground that a charge of misconduct, on the part of the courts, is such an offence to the dignity of the supreme government that self-respect forbids an answer. I have certainly, neither in my original report to my own government, nor in my communications with that of his majesty, charged the government of Greece with being, in any manner, party or privy to any of the persecutions and illegal annoyances to which Dr. King had been subjected for years before his trial, or to any of the errors, irregularities, and injustices which characterized that remarkable proceeding; and I am at a loss to explain that excess of sensibility on the part of a government, strong in the consciousness of right, which leads it to feel its own pride so much wounded by charges against a subordinate branch, never intended to apply to the higher officers of state, that it shrinks from the investigation of these charges and prefers unceremoniously to reject a just demand rather than, by consenting to examine a record alleged to carry error on its face, to admit that its tribunals are fallible and may be unjust.

I remembered that the existence of Greece, as an independent State, was due to the co-operation of nations whose faith widely differed from that of the oriental church, and that the present dynasty ascended the throne under stipulations securing the largest religious liberty, not as a privilege, but as a right; and I knew that former administrations (and perhaps the present) had, in some instances, sheltered Dr. King from the violence of his persecutors. I thought the government of Greece too enlightened to cherish any sympathy with the narrow weaknesses of sectarian intolerance, and I imputed to it no share in the conspiracy of Simonides and his coadjutors; no part in the plot to entrap Dr. King, by the hypocrisy of feigned proselytes into some unguarded expression, and thereby lay the foundation of a criminal prosecution, and I expressed to my government a confident hope that the legal officers of Greece were mistaken, if they supposed themselves to represent truly the opinions and the wishes of the sovereign and ministry of the realm.

Under these circumstances I can by no means allow that it is a proper sentiment of injured self-esteem which leads his majesty's government to shut its eyes to judicial wrongs, patent of record, and to refuse to be just because its organs have been unjust.

Your excellency will remember that I pointed out, as the main objection to the judgments, errors in law apparent on the record, and requiring no proof of *ab extra*, and that I noticed the irregularities of the trial only as an evidence of the *animus* of the courts. But suppose I *did impute* these errors to a wrong intention, is his majesty's government prepared to say that where the record of a court itself shows that

risoner has been illegally convicted, it will refuse to remit the sen-
ce, barely because improper motives are alleged to have influenced
court? A true sentiment of dignity, of self-respect, and of regard
the incorrupt administration of justice, would, in such case, in my
gment, impel the government first to ascertain whether the alleged
ng had been committed, and if it was forced to an affirmative con-
ion, to repair the wrong, and then to take such further measures to
vent its repetition and avert its evil consequences as to its own wis-
should seem meet.

cheerfully do his majesty's government the justice to admit that it
never, to the best of my knowledge, sanctioned the principles on
ch this judgment is founded, by any avowal of their soundness; and
n happy to add that your excellency, in your encomiums on the
eral independence and integrity of the Greek judiciary, has cau-
sly abstained from adding authority to the legal errors of this par-
lar judgment, by the weight of your excellency's opinion.

t is a source of extreme regret to me that your excellency, by con-
ing to "insist on the religious tolerance generally enjoyed in Greece,
complete and absolute manner," compels me again to notice a
nt, which, like many of the observations of your excellency's note,
ntirely collateral, and independent of the matter in issue. Your ex-
ency will readily admit, that the religious liberties of Greece are
, not merely to her constitution and statutes, but also to that para-
unt law which secured those liberties, not as a boon from the local
vernment, or an indulgence from the ecclesiastical authorities, but as
ndamental condition of her own national independence. The word
ration has therefore rightfully no place in the legal vocabulary of
eece, and the free existence of sects dissenting from the oriental
rch, however creditable it might be to the sense of right and justice
the government and people of that country, would lay no foundation
a boast of superior liberality. Even the law too of 1833, under
ich Dr. King was convicted, as well as the constitution of 1844,
ce all religious sects alike, so far as their public worship, the free-
m of opinion, of speech, and of discussion are concerned, on a footing,
t of indulgence, but of *equality*, and if the law is indeed impartially
ministered, all sects are equally protected, all violations of their reli-
ous rights are punished with equal severity. But I have yet to learn
at the perpetrators of any of the wrongs of this character, referred to
my note of May 13th, towards Dr. King, or other dissentients in
reece, (however strongly many of them are condemned by the public
inion of the most enlightened portion of the Hellenic population, as
ell as, no doubt, by the head of the State, and his constitutional advi-
rs,) have ever been visited by the penalties prescribed by law for
ch offences, or even been openly rebuked by the conservators of the
blic peace. Your excellency will not deny that the columns of some
the Greek journals daily teem with "malevolent expressions" to-
rds dissenting creeds, of a more acrimonious character than the most
ensive language imputed, however groundlessly, to Dr. King, and
at the officials of the Greek church have often, in public manifestos,
sparingly assailed the Catholic and other churches, whose doctrines
e at variance *with their own, and I put* it to your excellency, whether

these offences against the 17th article of the law concerning reviling and the press, have ever been the subject of a criminal prosecution; and again, whether your excellency believes that the attorney general would have accused, or the Greek courts convicted, a Greek ecclesiastic of the offence of "assailing with malevolent expressions" the Catholic or any Protestant church, upon such evidence as was adduced against Dr. King?

Until your excellency shall be able to answer these queries in the affirmative, I shall continue to be skeptical in regard to the *actual existence of* the religious liberties, which of right ought to be enjoyed in Greece; and when the Greek tribunals shall have meted out to the offenders I have pointed out to your excellency the penalty appointed by law, it will be time enough to boast of the impartiality of the criminal jurisprudence of Greece.

I agree with your excellency that occasional instances of the commission of crimes do not characterize a people. It is the neglect to punish offences that brings discredit upon a nation. The facts I have referred to are too notorious to admit of dispute; and if, while the mere public expression of opinions, contrary to those of the oriental church, is visited with heavy penalties, the Greek clergy, the journals, and the mob are allowed to assail with unrelenting bitterness the faith, the character, and the person of every dissentient Christian, there needs no further proof of either great remissness on the part of the constituted authorities of the State in executing laws which promise equal protection to every creed, or of a vicious public opinion more powerful than the law. The error, however, lies rather in enforcing a law, itself of questionable expediency, against one not legally shown to have infringed it, than in the omission to punish those who clearly have done so, and Greece would earn more credit by expunging from her code a statute so vague, so liable to uncharitable misconstruction, so little in harmony with her own organic law, than by enforcing the provisions against the most flagrant violations of its letter or its spirit.

Upon reviewing the whole correspondence between your excellency and myself, I see no cause to change my position. Your excellency has met the objections urged against the conviction by no denial of their soundness, or by any argument in support of the legality of the judgments. Upon these important questions, which involve so deeply the honor of Greece, her government stands mute, and chooses to allow grave charges against the administration of her law, formally made by a power entitled to respect, to go forth to the world, not unrefuted merely, but uncontradicted.

Under such circumstances, the further discussion of collateral points into which your excellency enters with so much zeal, is evidently quite idle; and so long as the *gravamen* itself is untouched, nothing will be gained by forcing within the sphere of debate past occurrences and existing facts of a character which can only serve to strengthen the unfavorable impression that the extraordinary nature of the proceedings against Dr. King is calculated to produce.

The President of the United States has assailed nothing but these *proceedings*; and if other facts equally discreditable to their authors *have been* brought into notice, it is because your excellency has vaunt-

ed, by way of presumption, against a possibility of a wrong towards Dr. King; a state of things which, so far as respects Greece, there is unhappily, too much reason to believe quite utopian.

In conclusion, I have only to express the hope that a dispute upon the signification of a non-technical word—the objectionable acceptation of which is repudiated by the party using it—will not be allowed to prevent the granting of an honorable satisfaction to an honorable demand; and that his majesty's official advisers, satisfied with the disclaimer and the explanations I have given, will now counsel him to act in accordance with the just and noble sympathies which I cannot err in ascribing to him, and to which the misinterpretation of my note alone has no doubt hitherto prevented him from yielding; and thereby retain what his majesty now posseses, the confidence and respect of a great and generous people, whose friendship and regard the proudest of nations would not be wise in spurning.

I have the honor to renew to your excellency the assurance of my distinguished consideration.

GEORGE P. MARSH.

His Excellency A. Paicos,
Minister of the King's Household and of Foreign Affairs.

Mr. Marsh to Mr. Marcy.

[Extract.]

Special Mission to Greece,
Constantinople, October 11, 1853.

Sir: Your dispatch, No. 28, of September 2, 1853, announcing the appointment of Mr. Spence to succeed me as minister resident at the Porte, does not instruct me to take any further steps in relation to the questions pending between Dr. King and the government of Greece; and I presume, therefore, that the President does not expect me to continue that negotiation.

In the present condition of Turkey it would, in my judgment, be improper for me to leave my post at this moment, and if I were immediately to embark for Athens, it is not probable that the negotiation could be concluded before I should be superseded by the arrival of my successor.

I shall accordingly not return to Greece unless I receive instructions to that effect before my arrangements for leaving Constantinople are completed. I take the liberty to suggest that the person hereafter charged with this negotiation should be furnished with copies from the State Department of all the papers connected with the subjects under discussion, and particularly of the translations from the Greek, unless he is familiar with the modern *legal* vocabulary of that language.

Several of the translations were made, and all were revised and corrected by me. The gentlemen who executed those not prepared by myself were well acquainted with Greek, but not being professional lawyers they did not possess the necessary knowledge of legal tech-

nology, and there is at Athens no person competent to make new translations of the documents in question.

Having the originals before me I did not require the translations for my own use. The condition of my eyes did not allow me to make copies, nor did I feel at liberty to incur the expense of having them made by others, merely for the purpose of keeping them on file.

The originals of all the papers furnished me by Dr. King, as well as the Greek copies of the records, &c., remain in the custody of that gentleman; and I shall deposite with Mr. Brown all the communications I have received from Mr. Paicos, minister of foreign affairs, so that copies of these latter may be dispensed with.

* * * * * * * *

Your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,
Secretary of State.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 11.

REPORT

OF THE

SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the Senate respecting the selection and purchase of sites for custom-houses and a marine hospital in Ohio.

DECEMBER 26, 1854.—Read, ordered to lie on the table and be printed.

TREASURY DEPARTMENT, *December* 20, 1854.

SIR: In compliance with a resolution of the Senate of the 14th inst., "that the Secretary of the Treasury be directed to inform the Senate what sites have been selected and purchased for custom-houses and a marine hospital in Ohio, under authority vested in him by act of Congress passed at the last session, and if no sites have been purchased, the reasons which have prevented it," I have the honor to say that sites for custom-houses have been selected in Sandusky and Toledo, Ohio, and the prices thereof agreed on; and proposals have been received for the site of a marine hospital at Cincinnati, Ohio; but the selection amongst the several places offered has not yet been determined on.

In this state of the business, it has been suggested that there will be a difficulty in securing the title and authority, contemplated by law, over the sites in question, arising from the want of authority in the legislature to cede the jurisdiction and exemption from taxation, in terms required by the proviso contained on page 559 in the act making "appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1855, and for other purposes," approved August 4, 1854. This proviso requires that before any money, appropriated by said act for any custom-house or marine hospital, shall be used or applied for the purpose mentioned, the State in which the proposed site shall be situated "shall, in due form, and in such a manner that shall bind such State, release and surrender to the United States the jurisdiction over the site of such building, and shall duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be therein, during the time the United States shall remain or be the owner thereof."

It is represented that the constitution of the State of Ohio provides that laws shall be passed taxing, by uniform rule, all real and personal property, "*but that public* property may, by general laws, be *exempted from taxation; but all* such laws shall be subject to altera-

tions or repeal;" and that, under these provisions, an act was passed March 12, 1853, providing "that all property, whether real or personal, belonging exclusively to this State or the United States, shall be exempted from taxation."

The Senate, however, will perceive from copies herewith transmitted, that on December 11, 1850, the legislature of Ohio passed an act exempting from taxation the land purchased for a custom-house at Cincinnati, and on January 19, 1852, an act ceding jurisdiction, and exempting from taxation, Green island, in Lake Erie, as a site for a light-house.

The joint resolution of September 11, 1841, requires that the assent only of the State wherein the land is situated shall be obtained before any payment shall be made therefor, and assumes that upon such assent being given, the jurisdiction, and with it exemption from taxation, passes to the United States by force of the constitutional provision upon this subject. That jurisdiction so passes upon such purchase and assent seems to be a fair construction of the Constitution; but, nevertheless, Congress has seen fit, in the cases of the custom-houses and marine hospitals mentioned in the act of August 4, 1854, as well as in some others, in order to prevent any possible misunderstanding or difficulty, to require an affirmative act of cession and jurisdiction from the States before expending money on the sites for public establishments therein.

I consider this a reasonable and proper precaution on the part of Congress—just to the United States, and respectful to the States. The State of Ohio has already acted in the mode contemplated in the two instances mentioned, and no reason is perceived to apprehend that the State will not grant jurisdiction in the case of the hospital when the legislature shall meet.

There must be delay, from the like cause, in perfecting the purchase of sites and commencing the erection of buildings at New Haven, Conn., Wheeling and Petersburg, Va., and Galveston, Texas, viz: as to New Haven, until the second Tuesday in May next, when the legislature of Connecticut is to meet; in respect to Wheeling and Petersburg, Va., until the first Monday in December next, when the legislature of Virginia is to meet; and in respect to Galveston, Texas, until the first Monday in March next, when the legislature of Texas is to meet.

I am, very respectfully, your obedient servant,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. JESSE D. BRIGHT,
President pro. tem. U. S. Senate.

AN ACT relating to the erection of a custom-house, and other public buildings of the United States, in Cincinnati.

SECTION 1. *Be it enacted by the general assembly of the State of Ohio, That whereas*, by an act of Congress, approved the thirtieth day of *September*, one thousand eight hundred and fifty, there was appro-

riated "for the purchase of a site and construction of a proper building, Cincinnati, for a custom-house, independent treasury, and other fices of the United States, fifty thousand dollars: *Provided*, That the tal cost of construction shall not exceed seventy-five thousand dollars: *nd provided also*, That said building shall be exempted from city xes, and all other taxes whatever by act of the legislature of Ohio." ow, in order to give effect to said act and appropriation, it is hereby clared that the buildings to be erected for the purposes aforesaid, in e city of Cincinnati, "shall be exempted from city taxes, and all her taxes whatever," so long as the same shall be owned and occu- ed by the United States, under the said act of Congress, for the fices aforesaid.

JOHN F. MORSE,
Speaker of the house of representatives.
CHARLES C. CONVERS,
Speaker of the senate.

DECEMBER 11, 1850.

SECRETARY OF STATE'S OFFICE,
Columbus, December 21, 1850.

I certify that the above is a correct copy of the original roll on file this office.

HENRY W. KING,
Secretary of state.

AN ACT to cede to the United States the jurisdiction of Greene island, in Lake Erie, and in the county of Ottawa, for the site of a light-house.

SECTION 1. *Be it enacted by the general assembly of the State of Ohio*, hat the jurisdiction of Greene island, in Lake Erie, and lying in the unty of Ottawa, and in the State of Ohio, purchased by the United ates of America for the purpose of erecting a light-house thereon, and ntaining thirty-two acres of land, be, and the same is hereby, ceded the United States for the use and purpose of a light-house: *Provided*, hat the jurisdiction so ceded shall not extend so as to impede or pre- nt the execution of any process of law under the authority of this tate, except so far as it may affect any of the real or personal pro- erty of the United States on said island, and the same shall be and re- ain exempt from taxation as long as it continues the property of the nited States.

JAMES C. JOHNSON,
Speaker of the house of representatives.
W. MEDILL,
President of the senate.

JANUARY 19, 1852.

I, William Trevitt, secretary *of state of* the State of Ohio, do hereby rtify that the *foregoing law is truly taken* and copied from the original ll *remaining on file in my office.*

In witness whereof, I hereunto set my signature and the great seal of the State of Ohio, at the city of Columbus, this 18th day of January, 1853.

[L. S.]

WILLIAM TREVITT,
Secretary of state.

Fee $1. Paid.

OFFICE LIGHT-HOUSE BOARD,
December 16, 1854.

The foregoing is truly copied from the certified copy remaining on file in this office:

THORNTON A. JENKINS,
Secretary Light-house Board.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 12.

REPORT

OF

THE SECRETARY OF WAR,

IN ANSWER

To a resolution of the Senate relative to the improvement of the Des Moines and Rock River rapids.

DECEMBER 27, 1854.—Referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, December 23, 1854.

SIR: In conformity with the direction of a resolution of the Senate of the 7th instant, I have the honor to submit an extract of a report from Brevet Lieutenant Colonel Johnston, and a copy of a report from the agent at the locality, forwarded by Brevet Lieutenant Colonel Johnston.

Respectfully, sir, your obedient servant,

J. J ABERT,
Colonel Corps Topographical Engineers.

Hon. JEFFERSON DAVIS,
Secretary of War.

WAR DEPARMENT,
Washington, December 26, 1854.

SIR: In compliance with the resolution of the Senate of the 7th instant, "That the Secretary of War be requested to communicate to the Senate the report of the officer in charge of the improvement of the Des Moines and the Rock River rapids of the Mississippi river," I have the honor to transmit herewith a letter of the colonel of topographical engineers, enclosing an extract of a report from Lieutenant Colonel J. E. Johnston, the superintending engineer, and also a copy of a report from John G. Floyd, the agent in charge of the work.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War

Hon. J. D. BRIGHT,
President, pro tem., of the Senate.

KEOKUK, *November* 18, 1854.

SIR: The cold weather having set in, and having dispersed the labors of the contractors for the improvement of Rock River and Des Moines rapids, I beg leave to submit a report of the operations for the season.

The work was closed at the upper rapids on the 1st, and at the lower rapids on the 8th instant.

The contractors were enabled to commence work in August, and have continued without interruption. They have manifested a commendable spirit of energy and industry, but at no time have they operated upon as many points as I had intended, nor have they employed as many hands.

The work upon the lower rapids has been confined exclusively to the "English chain," at points designated on Lieutenant Warren's map as "Centre patch" and "Brown's patch."

Both these points have been entirely removed, with the exception of a small patch of rock at the head and foot of each, giving at "Centre patch" an average depth of water of six feet, and at Brown's of "five feet large" at low water.

The work at the upper rapids has been confined exclusively to "Campbell's chain" and "Sycamore chain," they being undoubtedly the worst and most dangerous points to the navigation of the upper rapids.

At "Campbell's chain" a depth has been obtained of "four feet large" at low water throughout the channel, and at least one hundred feet wide.

At Sycamore the work was confined exclusively to Point C, on Warren's map, the most difficult and dangerous point in that chain.

They have taken from the channel in all about 5,800 cubic yards of stone, and have deposited it in the most contiguous deep holes, so as to be entirely out of the channel when complete, and out of danger of washing again into it.

The bed of the river at "English chain," at the points worked, is composed of blue limestone, the stratum about three feet thick, sometimes less, but most commonly of that thickness, covered with flint from three inches to one foot on the top, the flint running in irregular veins from one to two inches throughout the stone.

The length of tubes used was never less than six, and many seven and eight feet long, according to the depth of water and the depth of drill, the latter most commonly three feet, in order to obtain the most effective blast.

The diameter of tube from 1½ to 2½ inches, the quantity of powder from 1 to 2½ pounds to the blast.

The drilling was done by two men to the drill, the wages $1 50 for common drill hands, and for the watermen $2 to $5 per day, running up as the weather and water grew colder.

The cost of drilling alone was about 50 cents a foot, inclusive of all other expenses, varying according to the hardness of the stone.

One rock in "Brown's patch" required two men four days to drill a hole 23 inches deep, and dulled 72 steel points.

And the rock known as "Centre rock," in Campbell's chain, required the labor of four men two weeks to cut it off 2½ feet.

A breakwater was used at all points except at Sycamore chain, where he velocity of the current and the constant interruptions from passing teamboats prevented the use. These breakwaters were of simple onstruction and cheap, and answered a most admirable purpose, orming an eddy, behind which the men worked free from the effects f the current.

The operations of this season I consider to have been of very great dvantage to the navigation of the rapids, and I think the most experienced navigators entirely concur with me.

For the next season's operations I ask for $200,000, which can be ost advantageously expended.

I propose that the watermen shall be provided with India rubber arments, so constructed as to effectually protect them from the water; nd to commence the work at the first low water of March or at the pening of the river in spring, when the water is most commonly low nd clear. I could thus add two months to the season; then to divide he twenty-four hours into three "shifts" of eight hours each, and work ight and day; to operate upon at least two points in each chain, with thoroughly organized party of men, tools, boats, and machinery of very description. I could thus carry on the work at about twenty oints continuously throughout the season, and thus obtain in duration reatly more than double even a good season.

Unless the work is prosecuted upon some vigorous plan of this sort, he completion may run on to an indefinite length of time, and the reat and increasing commercial interests of the upper Mississippi be deprived of the benefits of the plan to an indefinite period.

Very respectfully, your obedient servant,

JOHN G. FLOYD,
United States Agent.

Lieut. Colonel J. E. JOHNSTON,
Topographical Engineers.

The above is a true copy.

J. E. JOHNSTON,
Sup't Western River Improvements.

LOUISVILLE, *December* 16, 1854.

The original was received November 29.

J. E. J.

[Extract.]

LOUISVILLE, *November* 20, 1854.

SIR: * * * * I went on first to the Rock island, then to the Des Moines rapids.

The quantity of stone *removed is* less than that stipulated in the contract, *but the improvement to* navigation far greater than could

have been expected from the judicious manner in which Major Floyd (the agent) has applied the work of the contractors.

The reason given by the contractors for not accomplishing all the work contracted for is probably a good one—the difficulty of obtaining laborers, made by the number of railroads in progress in the neighboring country.

Most of the work at the upper rapids has been bestowed upon Campbell's and Sycamore chains; the first the most dangerous point on the rapids. It has now a channel through it four feet deep, though not of sufficient width. The other, also, is much improved.

At the lower rapids, the Centre patch is nearly removed to a depth of five feet, (the additional depth from the thickness of the stratum,) and width of seventy feet. This will be completed during the season, and a similar channel at the patch, which I can only designate as that opposite *Brown's*.

In making my estimate for the work of next year at these rapids, I had no other guide than the annual amount of work undertaken by the present contractors. I am now convinced, however, by the operations of this season that my estimate was far too low. I am confident that $200,000 could be advantageously expended at the two rapids; and as the annual value of the property transported over them is estimated at $40,000,000, and the annual cost of lighterage and detention (besides destruction) at $500,000, the public interest seems to me to require that the work of improvement should be prosecuted as vigorously as is consistent with economy. I therefore ask that this estimate of $200,000 for the next fiscal year, for the improvement of the rapids of the Mississippi, may be substituted for that dated 22d September.

* * * * * * * *

Very respectfully, your obedient servant,

J. E. JOHNSTON,
Sup't Western River Improvements.

Col. J. J. ABERT,
Chief Topographical Engineers,
Washington, D. C.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc No. 13.

REPORT

OF

THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In compliance with a resolution of the Senate, a report made by R. H. Schoolcraft, on the state of Indian statistics.

DECEMBER 29, 1854.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 27, 1854.

SIR: In reply to the Senate resolution of the 20th instant, I have the honor to state that no special report was made to me by Henry R. Schoolcraft, on the 18th of November last, on the state of Indian statistics.

Such a report was, however, made to the Commissioner of Indian Affairs, and, supposing it to be the one referred to by the Senate, I herewith transmit a copy of the same.

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND,
Secretary of the Interior.

Hon. JESSE D. BRIGHT,
President of the Senate of the United States.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, December 26, 1854.

SIR: I have the honor to acknowledge the reference by you to this office of the Senate resolution of 20th instant, calling for "a copy of the special report of Henry R. Schoolcraft, of November eighteenth, eighteen hundred and fifty-four, made to the Secretary of the Interior, on the state of Indian statistics."

There is on file here a report from Mr. Schoolcraft of that date, but it is addressed to me. Presuming it to be the one mentioned in the resolution as made to you, I herewith transmit a copy of it.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

Hon. R. McCLELLAND,
Secretary of the Interior.

WASHINGTON, *November* 18, 1854.

SIR: I deem the time appropriate to report to you the present state of the investigation confided to me, respecting the Indian tribes.

It has, from the inception of the plan, been found difficult to overcome the reluctance of the Indians to furnish their statistics. Even their gross population has been wrung from them. Exaggerated estimates of the Indian population have prevailed from the planting of the colonies. The earliest attempt to give certainty to the numbers residing between the Alleghany and the Rocky mountains was made by the French government in 1736. Returns filed in that year, in the proper bureau in Paris, enumerated sixty tribes, having an aggregate population of 16,403 warriors, which, at the rate of one warrior to every five souls, a ratio since adopted, gives 82,015 souls, (vol. 3, p. 553) At the period of taking Canada, beginning with the taking of Quebec in 1759, Captain Thomas Hutchinson, a geographer for the colonies, estimated the western population of the tribes at 73,580, which, at the ratio stated, gives 14,696 warriors, (vol. 3, p. 557.) In 1764, when Colonel Bouquet marched against the western Indians, he computed the number of fighting men capable of being brought into the contest at 56,500, a manifest over estimate, which is owing in part to the duplication of tribes by employing synonims, (vol. 3, p. 559.)

In 1778, during the early part of the American Revolution, when the topic had great vitality, the number of warriors capable of being brought into the field was carefully estimated at 12,430, producing a gross population of 62,150 on the line of the frontiers. Of the number of fighting men stated, 1,760 are assigned to the six nations of Iroquois, (vol. 3, p. 560.) In 1806, Pike estimated the Indian tribes of the upper Mississippi alone at 32,852, (vol. 3, p. 562.) The Indian forces under British orders, in the war of 1812, were estimated in London at 9,650 fighting men, which, by the ratio heretofore assumed, supposes a gross population of 48,250, (vol. 3, p. 557.)

American estimates of the force engaged in the war of this era, in northwest and the Mississippi valley, north of the mouth of the Ohio, rate them at 9,000 warriors, (vol. 3.) It is evident that this estimate excludes the Prairie tribes, few or none of whom were brought into this conflict, except a part of the Sioux, in 1812. The heavy depopulation of the India tribes which took place in this sanguinary war, was owing less, it is believed, to the numbers who fell in battle, than the vast destruction caused among them by camp-disease and hardships and suffering during, and particularly *after* the contest, when their condition was one of utter poverty and destitution, for they had neglected both hunting and planting. This was, indeed, the lowest point in the scale of number of those stocks and tribes who had engaged in these, to them, fruitless contests. If the period from 1812 to 1816 was a very marked one in their depopulation, that from 1816 to 1824, continued to be one of languishing depression and inanity. The Indian mind was broken down and sunk in despondency. The marching of armies through the country, the changes of habit, against which the most energetic chiefs had inveighed, and the flaccid state of the fur trade had rendered their vast territories worthless to a hunter population. And if after the last name [illegible] again appear to rise in the scale, it is

owing to the fact that whole tribes, the fragmentary tribes, were tra ferred next into the fertile districts of game country, and that large bodies of the wild tribes were included in the schedules, who roved over the illimitable plains next the Missouri river. Two states of society, we are assured from the days of Adam Smith, of which one is the superior and in the ascendant, cannot exist in prosperity together. And it now became evident that the Indian tribes could not be preserved without transferrence from the scenes of their decline within the States and Territories, to an area over which their own laws should prevail. Georgia was the earliest to assert the incompatibility of divers systems of policy, and the question soon found advocates throughout the Union. Stress is laid on this epoch, because it is conceived to be the nadir in our Indian history.

In 1825, when it became evident that the tribes and remnants of tribes must perish if not colonized, and the plan of transferring them west of the Mississippi was originated, the whole aboriginal population east of that stream was found to be 129,266, who owned collectively 77,402,318 acres of land, (vol. 3, p. 596.) These tribes were situated in the following States and Territories:

	Acres of land.
Maine 956	92,260
Massachusetts 750	
Rhode Island 420	3,000
Connecticut 400	4,300
New York 5,143	246,675
Virginia 47	27,000
South Carolina 450	144,000
Ohio 12,150	409,501
Michigan 28,316	7,057,920
Indiana 1,073	10,104,000
Illinois 6,706	3,314,560
Indiana and Illinois 3,900	
Georgia and Alabama 20,000	
Georgia, Alabama, and Tennessee 9,000	
Mississippi and Alabama 21,000	
Mississippi 3,625	53,576,176
Florida 5,000	4,032,640
Louisiana 1,313	
Missouri 6,810	44,806
Missouri and Arkansas 5,407	3,491,840
Arkansas 6,700	8,858,560

Thus far the government had been dealing with numbers more immediately pressing on the limits of the States and Territories. In the year 1829 new and comprehensive estimates were submitted by Generals Clark and Cass of the entire Indian population of the United States, by which the total number is placed at 313,130, (vol. 3, p. 587;) of this number 20,000 were east of the line of the Mississippi, north of Illinois, and west of the lakes; 94,300 west of the Mississippi and east of the Rocky mountains, not including Louisiana, Missouri, and Arkansas; 20,000 *on the Rocky mountains;* and 80,000 west of that range,

along the line of the Pacific, between latitudes 44° and 49°. These elaborate and well-considered schedules exhibited a population of 16,093 as still residing within the area of the thirteen original States. Of these 1,000 were within the State of Tennessee, 1,877 in Ohio, 23,400 in Mississippi, 19,200 in Alabama, 939 in Louisiana, 4,050 in Indiana, 5,900 in Illinois, 5,031 in Missouri, 9,340 in Michigan, *7,200 n Arkansas, and 4,000 in Florida, making 61,997 within the new States. The changes which have taken place in these home masses of the aboriginal population will be presently noticed.

The first endeavor to procure the statistics and industrial means of an Indian tribe was made by the legislature of New York in 1845, in relation to the six nations of Iroquois, a people who were found to be the indigenous population of the entire western part of that State (west of the present site of Albany) in 1609. They had consequently lived 236 years in the same general position, having contracted their limits from time to time by sale and cession, but having had, through the whole period, ample space for their agriculture, industry, and expansion. These corn-growing tribes, when Champlain marched against them, were seated at their castles in New York. They had been the means of defending their country from French encroachment, during the whole colonial period.

By the principles of their confederation, their military power, and their skill in oratory and negotiation, they had acquired a high reputation. Down to the year 1776, they were the pivot on which all Indian negotiation turned. In the mean time, the Powhatanic tribes of Virginia, and the entire groups of the Algonquin stock from North Carolina to the St. Lawrence, had either been extinguished as tribes at comparatively early dates, or taken shelter in fragmentary masses in the west. During this time the area of that ancient hunting ground of the Iroquois, in New York, had been filled with the largest part of a population of †3,042,574, thrifty farmers, mechanics, merchants, manufacturers, and professional men. The result of the Iroquois census was found to be, contrary to general expectation, highly favorable. These tribes had, from the era of the revolution, been surrounded by all the circumstances which usually lead to Indian depopulation, with but partial, and for the most part, recent attempts to teach them. Yet, inclusive of the estimated number of 2,006 in Canada and Wisconsin, they were found to have a total of 6,942, which is but 1,858 less than the number assigned them in 1776, (vol. 3, p. 560.) Of the 3,753 residing in the State of New York, there were 746 families who cultivated 13,867 acres of land. Of these, 1,781 were males, 1,972 females. Of the males, 371 were farmers, 20 mechanics, and two professional men. The tribes raised 11,308 bushels of wheat, 45,499 bushels of Indian corn, 28,866 bushels of oats, 1,054 bushels of buckwheat, 16,681 bushels of potatoes, and 353 bushels of turnips.

There were 1,350 acres cultivated in meadow, and 6,868 bearing fruit trees. There were 948 horses, 839 sheep, 2,275 neat cattle, 3,485 hogs, 802 milch cows, and 20,341 pounds of butter made.

There were 14 school houses and churches, and 462 children at

* *In 1832 the population was found to be 14,000, (vol. 3, p. 599.)* † Census of 1850.

ıool. Other statistics of a highly interesting character were obtained, ıich operated to draw attention to their condition, and led to some neficial legislation in their behalf, (vol. 1, p. 441.)

Such was the state of information on this head; when, early in 1847, ıngress directed the present investigation to be made. It was be- ved that similar information from the other tribes in the United States ıuld produce beneficial results.

Most of the tribes of the Mississippi were mere hunters, some of ɜm in the wildest state of barbarism; roaming after deer; worship- ıg demons; at war with each other and with the principles of the ɾilized world.

How many had deviated from this type of barbarism, and how far ɜy had gone towards the industrial state, could only be conjectured. their statistics nothing was absolutely known beyond the Iroquois periment.

The system of paying annuities to tribes, either to chiefs as dis- buting magistrates, or to the mass of heads of families, *per capita*, d proved almost equally unsatisfactory, the one by capricious and equal distribution, and the other by regularly squandering the fund, thout benefit to individuals or tribes. No data exhibited the striking ference which existed between the hunter and the semi-civilized bes. As a general fact, it seemed that those tribes who received the gest annuities dwindled away most rapidly, and made the most uivocal strides to advance in their industry or social condition. To note the necessity of laws to protect chattels and property, it seemed ıuisite to show that the Indians had chattels and property to protect. Between a temporary wigwam and a house, a fence and cultivated lds and a forest, the raising of domestic cattle, and the pursuit of ld game, the condition of society must be widely different.

Statistical forms were therefore immediately prepared and distributed the agents throughout the Union. The first object was to obtain de- ls from the colonial tribes at the west, who were known to have ıde the greatest advances in the line of civilization, namely, the Ap- lachian group of the Muscogees, Chickasaws, and Choctaws, and ɜ various local bands speaking the language of the Achalague, or ıerokee.

Difficulties have been encountered in this which were not anticipated. hether the tribes misapprehended the object, or felt reluctance to hibit their means, basing itself on other reasons, is unknown. These pediments to a complete analysis of their vital and industrial statis- s still exist, except with respect to the Chickasaws. By tables, ınsmitted from the agent in 1850, they are shown to have a tribal ag- ɜgate of 4,260. Of these 1,029 are males under the age of 18; 989 are females under the age of 16; 960 are males between 18 and ; 1,182 females between 16 and 60. Eighty persons are found be- een the ages of 60 and 100. There are 627 persons of mixed ɔod. The number of deaths in a population of over 4,000 was 27. ıe number of deaf and dumb, seven; lunatics, six. There were 11 phans, three blind persons, and one over the age of 100. The quan- y of grain raised was 265,351 bushels of corn; 4,252 bushels of ıeat; *63,917 bushels of potatoes*, and 14,402 bushels of oats.

There were 209 pounds of cotton picked. They possessed 5,789 horses; 14,788 neat cattle; 1,148 sheep; and 24,142 hogs. There were 193 pleasure wagons; 2,264 slaves, of African descent, (vol. 4, p. 508.)

Subsequent information, derived from the pay-rolls in 1853, denotes a population of 4,715; being an increase of 455, (vol. 4, p. 582.) Agreeably to the reports of teachers, the number of horses were 5,000; neat cattle, 6,500; hogs, 100,000. They raised 220,000 bushels of grain, and cultivated 750,000 acres of land. Sixty thousand acres of this was planted in corn. They possessed 2,000 agricultural implements, (vol. 4, p. 589.)

In 1805 the Chickasaws ceded to the United States 345,000 acres of land, for which they received $22,000. In 1833 they ceded 6,422,400 acres, for which they received $3,646,000, (vol. 2, p. 609.) This tribe receives a permanent annuity of $3,000. It possesses an investment in State stocks, guaranteed by the United States, of $4,416 39; $3,000 are pledged to the support of orphans, and $2,000 for incompetent persons, (vol. 2, p. 561.) At an early day they adopted the policy of investing the proceeds of their lands in public stocks, through the agency of the United States treasury; and they are believed to be at this day, in their fiscal means and policy, very far in advance of any tribe in America.

The Choctaws at the last returns numbered 15,767, (vol. 4, p. 582.) They have a regular government, schools, and academies, and sustain a newspaper. Education claims a high place in the nation. They are industrious, temperate, and animated by sound principles of progress. They are raisers of the cereal grains, corn and cotton, horses and cattle. They possess mills, and substantial and good dwellings, and conduct their commercial and political affairs with efficiency and foresight. Of their moral and intellectual condition, instructive data are published in vol. 4, p. 582, et cetera. They possess a superlative translation of the entire gospels, in a language at once terse, sonorous and expressive. If such a people should not rapidly advance, it would reverse all the teachings of history.

The Creeks retain more of the element of government by hereditary chieftainship and circles, than any of the transferred tribes, being still located in the districts known to them in Georgia, as upper and lower Creeks. Their aggregate in 1833 was 22,664. Of these the lower Creek towns have 14,142, existing in 3,915 families, namely: 6,555 males and 7,142 females. These families possess 445 slaves of African descent, (vol. 4, p. 581.) In the upper Creek towns the aggregate is 8,522, existing in 2,448 families, viz: 3,958 males and 3,107 females. There are 457 negroes.

The latest returns of the Cherokees, which are derived from the pay rolls of 1833, give an aggregate of 19,367, without denoting the sexes and ages, (vol. 4, p. 582.) The number of scholars in school at the present date, derived from the report of the teachers to their several societies, is 1,100; the number of orphans in schools, 114. The Methodist church reports 1,294 Cherokee christians, and 156 colored members, (16.) The sums expended for this tribe during the revolutionary war and the confederacy, derived from the treasury books, was

$580,103 41. From 1789 to 1819, the sum was $213,311 38, and it has increased proportionally since. The whole number of acres ceded by this tribe is 24,766,400 acres, (vol. 4, p. 602.) Their permanent investments are $766,490, (vol. 4, p. 561.)

Agreeably to the foregoing details of numbers, some of which are, however, a decade back, the gross aggregate of the four semi-civilized tribes is a fraction under 60,000.

There are no reliable details to compute the ratio of increase that should be added to this aggregate for the present population. It was an object of considerable interest when these investigations were commenced to ascertain the number of Indians brought into the Union by the annexation of Texas and the acquisition of New Mexico and California. Texas, within the boundaries finally assigned to it, contains no monumental indicea of the fixed residence of an Indian population at former periods. It appears to have been a vast neutral hunting ground between the tribes south of the lower part of the Rio Grande and those of the Mississippi valley. There is not known to be the remains of a teocalli or tumulus along the entire sea-board coast, reaching inland to the mountains, now comprising the fastnesses of the Ninna or Comanches.

Alcedo, who bestows unlimited encomiums on the fertility of the country and the abundance of its natural resources, describes it as "inhabited by infinite nations of Indians." Mr. Burnett, the first president of the Republic of Texas, represents the Comanches as nomadic, being in a state of complete barbarism, and without even any traditions of any kind, which run back over three generations. He estimates their numbers in 1847, to range from 10,000 to 12,000, having from 2,000 to 2,500 warriors, (vol. 1, pp. 330, 331.) Mr. Charles Bent, the first provincial governor of the country after its accession by the United States, states the whole number of tribes at ten, with an aggregate population of 36,950, (vol. 1, p. 245.) These were reduced by Mr. Neighbors, in 1849, by further scrutiny, to 29,515, (vol. 1, p. 518.)

Of the aboriginal population of New Mexico, considerable discrepancies have appeared. The Pueblo Indians of that territory constitute a distinctive feature. Governor James Calhoun reported the number of these Pueblos in the region of the Rio Grande, at twenty, containing an aggregate of 11,130. To these were added the seven ancient Pueblos of Mogui, estimated at 10,950 souls, (vol. 1, p. 519.) Dr. Ten Broeck, United States army, states the Pueblo of Zuñi, alone, at 4,000, (vol. 4, p. 80.) Major Eaton, United States army, estimates the Navijoes at from 2,000 to 3,000, which is half the number assumed in prior schedules, (vol. 4, p. 220.) The Apaches, Lepans, Jicarillas, and other wild and predatory tribes and bands, are estimated at 36,500, making the probable Indian population of the territory of all kinds, 48,480. Prior estimates have carried the aggregate population some 10,000 higher, (vol. 1, p. 519,) but it is believed on insufficient data, furnished by the agents.

The Indians of California have been still more vaguely represented. The earliest estimates filed in this office, since its acquisition, by persons in authority, are too extravagant to bear quotation. The numbers who were collected by the Spanish into Pueblos along the Pacific

coast so late as 1802, constituted 18 mission stations, numbering 14,931, beside 1,300 Mustees and Mulattoes, (vol. 1, p. 520.) After the disbanding of the Pueblos, it was impossible to distinguish between the partially reclaimed and forest and mountain tribes.

Moderate estimates have assumed the latter at 16,000, (vol. 1, p. 520.) Data obtained by Mr. McKee, the commissioner appointed to visit the coast tribes north of San Francisco, in 1852, extending to the Klamath, and inland to Mount Shaster, denote 9,080 in that quarter, (vol. 3, p. 654.) Schedules since transmitted of the number of the Mariposa, Fresno, and Merceda Indians, denote these tribes to consist of 5,024, (vol. 4, p. 608.) It is believed that the aggregate of 48,000 exceeds rather than falls short of the entire number within the boundaries of this State.

Oregon has, from its discovery, been occupied by a multitude of small Indian tribes, creating the impression of great populousness. Nothing is more deceptive. No scrutiny sustains at all the estimates made by early explorers without presupposing a very extraordinary decadence, which is not probable. Lewis and Clark, in 1806, stated the numbers of tribes at 39, and estimated them at 80,000 persons, living in 1,778 lodges. This estimate was repeated by General Clark, in 1829, in the otherwise carefully prepared tables, submitted to the War Department, by himself and General Cass, to which reference has before been made. By a message transmitted to Congress on the 1st August, 1848, schedules were submitted of the Indians of Oregon, which exhibited great discrepancy. From a list of tribes, made by a resident of the Territory, they are placed at 47,200. Another authority, of the same date, stated the aboriginal population at 29,370. In 1852, after the organization of the Territory, General Lane reports the number at 22,733, comprising 29 tribes, with an aggregate of 2,739 warriors, (vol. 3, p. 521.) Early in 1854, an agent at Puget's Sound, Washington Territory, reports seven tribes as existing on those waters, who number 5,895. He estimates the entire Indian population in that part of the Territory at 12,000 souls, (vol. 4, p. 596–598.) This can be regarded merely as the identity of location of numbers previously estimated in Oregon, and is a duplication of the tribes. This error of duplication is chiefly owing to the use of synonyms for petty tribes, which have been employed and produced so much uncertainty and confusion from the beginning.

Utah becomes an element in these territorial estimates. The number of Indians inhabiting the Rocky Mountains was computed, in 1829, at 20,000, but from data received it (vol. 4, p. 596) cannot be put over 12,000. The wars of these tribes with each other, taken in connexion with the scant means of subsistence afforded by these bleak altitudes, tend to check their growth, and keeps down population to old standards.

The entire number of Indians on the new line of frontiers, acquired since the treaty of Guadalupe Hidalgo, and of the Pacific Territories, is shown to be 168,002, namely: Texas, 29,575; New Mexico, 58,480; California, 45,235; Oregon and Washington, 22,733; and Utah, 12,000. *The gross* numbers would, at the usual rate of computation for women *and children* and old and superannuated men, give 33,600 fighting men;

a truly formidable number for an army of 10,000 troops to cope with. Most of these tribes of the mountains and plains are excellent bowmen, most expert swordsmen, living on little, and moving without baggage, and, to add to their celerity of movement, many of them are mounted on the hardy wild horse.

It is the remark of a British writer on political economy, long resident here, that forty acres of land, if well cultivated, is adequate to the support of a family.—(Cooper.) Estimates were made by me while residing in the west that it required eight thousand acres of land, to be kept in a wilderness state, in order to support a single Indian by the chase. Consequently, a family of five persons would need forty thousand acres. At this ratio a territory of fifty thousand square miles, the average of one of our new States, would demand the rest and disuse of its entire area to remain in the condition of undisturbed forest in order to sustain four thousand Indians living as hunters. Elaborate computations have been prepared by the Topographical Bureau, (vol. 4, p. 183,) that the Indian territories lying between the lines of the Pacific and the Mississippi, and comprising their entire limits, consists of 1,734,595 square miles. Mr. Jefferson estimated one Indian to the square mile on the planting of Virginia.—(Notes on Virginia, p. 152.) If the predatory nomadic bands who assume a hostile attitude on the new line of frontier, from San Antonio to Olympia, be stated at 168,000, their estimated number in the preceding pages, a fraction less than ten square miles is assignable to every soul, or about fifty square miles to an average Indian family.

The whole number of Indians in the Union in 1850 was 400,000, (vol. 1, p. 523.) Of the tribes living east of the Rocky Mountains, west of the Mississippi, and north of the boundaries of Texas and New Mexico, to the north boundaries of Kansas, no estimates make the number less than 99,000, including the four Austral tribes.

It is on these tribes that the examples of our laws, industry, arts, teaching, and manners have had most effect.

It is on this line our earliest military posts and oldest Indian agencies are established. It is here that primary and manual labor schools exist. Some twenty of the tribes have more or less fully embraced agriculture, raise large stocks of cattle, live in fixed dwellings, and have adopted the civilized costume. These occupy the new Kansas and Indian territories—four of the tribes, as before recited, numbering 60,000 persons, have adopted systems of government and written constitutions. All these tribes have been transferred from the northern, middle, or southern States, (vol. 4, p. 461.) No small part of them are the descendants of tribes who occupied the area of the Union on the first planting of the colonies. Much effort and much expense has been incurred with them. They have been the subject of humanitarian and benevolent care and sympatny during two centuries. To confound them in our policy with the wild tribes—for a moment to suppose that they partake of the habits and feelings of the robbers, plunderers, and murderers of the bleak plains and mountains, would be the highest injustice. There are men in these reclaimed tribes who are exalted in their feelings, principles, and manners; who acknow-

ledge the best truths of letters, arts, and christianity, and who live an honor to human nature.

The number of Indians in the Nebraska Territory has been computed by competent men, on the ground to occupy 5,315 lodges, containing 52,000 souls, (vol. 3, p. 629.) The number of square miles possessed by these tribes is 136,700, (vol. 4, p. 183.)

Without, however, a full and complete census of the population and statistics of the various tribes, reclaimed and unreclaimed, it is impossible to separate one class from the other, or to adopt a just and comprehensive system of policy—a policy which, at the same time that it promotes the interests of the industrious and lettered tribes, does not operate to paralyze and destroy the nomades. It was this truth that laid at the foundation of these investigations. A just sympathy was felt in the national legislature for a noble but unfortunate race, who were flying before the circle of civilization. It is believed that this policy should be faithfully carried out, notwithstanding the impediments thrown in the way by the tribes themselves, or by the inherent difficulties of the task. Statistics are the very highest test of advancing civilization in the science of government, and it is not to be expected that tribes, newly awakened from the sleep of barbarism, should at once appreciate and desire them.

These are not, however, the only impediments. Some further legislation is required. When it is made imperatively the duty of the Indian agents to procure the statistics, they will be furnished. Such proper expenses as are incurred thereby should be met. With regard to the publication, it should be continued, and extended to all the topics belonging to it. Nothing more is required, and nothing less would complete it. The principles of the census should be persevered in and pushed through. The objections of the Indians are futile, and founded on entire error; such information, by indicating their means and true condition, will enable the government to act understandingly in the premises. The plan of the inquiry is founded on the highest principles of the age. The desiderata already collected are unexhausted; and while efforts are directed to the acquisition of additional facts to analyze their industrial and fiscal means, other efforts should not be omitted to exhibit their intellectual and moral traits, their history and ethnography. To secure the latter ends, the occasion should by no means be neglected to procure a complete comparative lexicon of the Indian languages—no one step could be taken tending so directly and effectively to unravel the complicated thread of their origin and history.

Mr. Jefferson expressed this opinion seventy-three years ago.—(Notes on Virginia, page 163.)

The whole object is one of enlarged humanities. Its completion is conceived to be due, not only to the aborigines as our predecessors in the occupation of the continent, to which their footsteps have been providentially led, but as a cosmic element in the history of the human race, alike interesting to Europe as America.

To us, they have been a peculiar people, indomitably bent on false principles, to whom the nomadic life has seemed to embrace compensations for every other means of human happiness. And, while they *have been* a proverb, a reproach, a by-word, little would it appear to

conflict with the mysterious workings of Providence, if, in the progress of history, future times should be able to recognize, under this dark, bitter, and hopeless guise of misery and degradation, the vestiges of a people who once, in a peculiar manner, enjoyed the beaming light of the divine countenance.

I have the honor to be, very respectfully, your obedient servant,

HENRY R. SCHOOLCRAFT.

Hon. GEO. W. MANYPENNY,
Commissioner of Indian Affairs.

33d Congress, 2d Session. | SENATE. | Ex. Doc. No. 14.

LETTER

FROM THE

SECRETARY OF THE TREASURY,

COMMUNICATING

A statement showing the receipts and expenditures of the marine hospital fund for the year ending June 30, 1854.

JANUARY 2, 1855.—Ordered to lie on the table, and be printed.

TREASURY DEPARTMENT,
December 29, 1854.

SIR: I have the honor to transmit herewith the annual statement, prepared by the Register of the Treasury, of the "receipts and expenditures of the marine hospital fund for the relief of sick and disabled seamen in the ports of the United States, for the fiscal year ending 30th June, 1854."

I am, very respectfully, your obedient servant,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. JESSE D. BRIGHT,
President pro tem. U. S. Senate.

Statement of the expenditures and receipts of the marine hospital fund, fo
fiscal year en

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of b and nu per we
Maine.					
Passamaquoddy	Bion Bradbury	95	95	Private family	$
Machias	Daniel W. Dorman.	9	8	Private house	$2 00 to
Frenchman's Bay	Thomas D. Jones	48	50	do	
Penobscot	R. H. Bridgham	25	23	do	1 50 to
Waldoborough	E. Wilson	90	90	do	
Wiscasset	John Babson	40	38	do	2 00 to
Bath	Chas. N. Bodfish	48	48	Hospital	
Portland and Falmouth.	Ezra Carter	84	86	do	
Saco	N. M. Towle	5	5	Private board	
Kennebunk	John Cousens	10	10	do	1 50 to
York	Luther Jenkins	1	1	do	
Belfast	E. K. Smart	130	128	do	
Bangor	Geo. P. Seawall	126	122	do	2 50 to
		710	703		
New Hampshire.					
Portsmouth	Z. Clement	60	60	do	1 50 to
Vermont.					
Burlington	D. A. Smalley	4	4	do	
Massachusetts.					
Newburyport					
Gloucester	Wm. H. Manning	4	5	Hos'l and priv. b'd.	2 45 to
Salem and Beverly.				Hospital	
Marblehead	James Gregory	1	1		
Boston and Charlestown.	C. H. Peaslee	822	800	Hospital	
Plymouth					
Fall River	P. W. Leland	8	7	Private house	
Barnstable	S. B. Phinney	110	90	Contract	
New Bedford	C. B. H. Fessenden	48	51	Poor-house	
Edgartown	Joseph T. Pease	43	37	Private board	
Nantucket					
		1,031	985		
Rhode Island.					
Providence	Gideon Bradford	134	126	Hosp'l and private.	
Bristol and Warren.	Geo. H. Reynolds	9	8	Private family	
Newport	George Turner	18	16	do	
		161	150		

relief of sick and disabled seamen in the ports of the United States, for the June 30, 1854.

Board and nursing.	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
$707 55	$458 40	$4 00	.....	.....	$11 29	.....	....	$1,181 24	$601 83
135 00	27 20	13 60	.....	.....	1 81	$6 00	1	183 61	480 33
804 75	260 60	142 30	.....	.....	12 32	24 00	4	1,243 97	766 86
393 78	50 15	34 79	.....	.....	4 77	.....	....	483 49	445 59
877 13	181 10	.....	.....	.....	10 64	6 00	....	1,074 87	1,222 21
774 10	121 75	47 60	$1 00	.....	9 50	6 00	1	959 95	151 32
866 23	287 47	.....	.....	.....	11 70	18 00	3	1,183 40	447 02
1,869 42	374 75	150 40	.....	.....	24 36	42 00	5	2,460 93	1,538 07
84 00	12 50	.....	.....	.....	96	.....	....	97 46	78 98
152 03	15 25	.....	.....	.....	1 79	12 00	2	181 07	94 74
20 00	4 20	.....	.....	.....	24	.....	....	24 44	39 50
725 20	84 60	.....	.....	.....	8 15	7 50	1	825 45	504 77
873 40	419 00	153 60	.....	.....	14 68	24 00	4	1,484 68	520 20
8,282 59	2,296 97	546 29	1 00	.....	112 21	145 50	21	11,384 56	6,891 42
667 49	252 50	277 95	4 17	$1 50	11 10	6 00	1	1,220 71	206 32
21 14	12 50	1 00	.....	.....	35	.....	....	34 99	231 20
.....	.....	.....	.....	.....	.....	.....	....	.....	70 33
55 71	17 75	4 60	.....	.....	77	.....	....	78 83	396 85
160 78	.....	.....	.....	.....	1 61	.....	....	162 39	1,036 41
.....	.....	.....	4 46	.....	4	.....	....	4 50	10 10
22,167 28	.....	.....	.....	.....	168 12	.....	32	22,335 40	12,121 55
.....	.....	.....	.....	.....	.....	.....	....	.....	139 62
145 73	20 25	19 45	.....	.....	1 91	5 95	....	193 29	516 03
3,995 46	.....	.....	.....	.....	39 95	.....	4	4,035 41	1,547 21
971 36	123 00	115 10	.....	.....	12 11	.....	....	1,221 57	703 55
450 92	217 00	104 58	22 00	.....	8 05	12 00	2	814 55	420 86
.....	.....	.....	.....	.....	.....	.....	....	.....	104 70
27,947 24	378 00	243 73	26 46	.....	232 56	17 95	38	28,845 94	17,067 21
1,848 92	501 00	502 30	.....	.....	28 88	36 00	6	2,917 10	730 44
86 57	8 75	2 10	.....	.....	1 03	6 00	1	104 45	105 60
216 43	60 00	45 30	.....	.....	9 79	.....	....	331 52	365 14
2,151 92	569 75	549 70	.....	.....	39 70	42 00	7	3,353 07	1,201 18

STATEMEN'

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of b and nu per wee
Connecticut.					
Middletown	Wm. D. Starr	63	62	Private house	$1 75 to $
New London	H. Hobart	38	35	Private board	2 50 to
New Haven	M. A. Osborne	106	97	Hospital	
Fairfield	W. S. Pomeroy	12	12	Private board	
Stonington					
		219	206		
New York.					
Sackett's Harbor	Thos. S. Hall	34	28	Private family	
Genesee	J. R. Thompson				
Oswego	E. B. Talcott	90	88	Private board	
Niagara	A. V. E. Hotchkiss	1	1	do	
Buffalo Creek	John T. Hudson	188	193	Board'g house and private.	
Oswegatchie	Thomas Bacon	6	6	Private house	
Sag Harbor	Sam'l L. Gardiner	2	2	do	
New York city	H. J. Redfield	2,046	1,822	Hospital	
Champlain	Henry B. Smith	3	3	Private board	
Cape Vincent	Alfred Fox	18	18	do	
		2,388	2,161		
New Jersey.					
Perth Amboy	F. W. Brinley	2	2	Private board	
Bridgetown	Wm. S. Bowen	44	44	do	2 50 to
Camden					
Burlington					
Great Egg Harbor	Thos. D Winner	4	4	Private board	
Little Egg Harbor	Stephen Willets	9	8	do	
Newark					
		59	58		
Pennsylvania.					
Philadelphia	Chas. Brown	351	329	Hospital	
Presqu'isle	Jas. Lytle	10	10	Private board	1 50 to
Pittsburg	John Hastings			Infirmary	
		361	339		
Delaware.					
Wilmington					
Maryland.					
Havre de Grace					
Town Creek					

Continued.

Board and nursing.	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
$320 51	$222 30	.....	.....	.....	$10 66	$18 00	3	$571 47	$734 95
243 68	157 90	.....	$8 00	.....	4 10	.....	....	413 68	912 97
1,009 70	.....	.....	.....	.....	10 09	.....	8	1,019 79	1,222 40
238 06	43 49	$1 65	.....	.....	2 86	.....	....	289 06	598 80
.....	.....	.....	.....	.....	.....	.....	....	.....	233 22
1,811 95	423 69	4 65	8 00	.....	27 71	18 00	11	2,294 00	3,702 34
180 42	36 30	16 40	.....	.....	2 37	.....	....	241 49	216 46
.....	.....	.....	.....	.....	.....	.....	....	.....	28 69
373 85	415 70	.....	.....	.....	8 02	14 00	2	811 57	813 67
12 00	3 00	1 00	.....	.....	16	.....	....	16 16	32 82
1,892 23	679 75	482 70	45 00	.....	31 17	18 00	3	3,148 85	2,994 72
72 14	16 35	2 25	.....	.....	90	.....	....	91 64	199 21
46 78	5 50	3 30	.....	.....	55	.....	....	56 13	460 20
30,735 07	.....	.....	.....	.....	307 35	.....	93	31,042 42	38,641 45
350 09	9 75	3 90	.....	.....	3 63	.....	....	367 37	143 90
184 04	35 35	8 05	.....	.....	2 27	.....	....	229 71	202 13
33,852 62	1,201 70	517 60	45 00	.....	356 42	32 00	98	36,005 34	43,733 25
123 01	.....	.....	.....	.....	1 23	.....	....	124 24	1,324 00
824 20	55 30	.....	.....	.....	8 80	.....	....	888 30	833 90
.....	.....	.....	.....	.....	.....	.....	....	.....	562 30
.....	.....	.....	.....	.....	.....	.....	....	.....	364 20
220 80	101 45	.....	.....	.....	3 21	.....	....	325 46	749 20
166 55	30 65	4 00	5 00	.....	2 06	.....	....	208 26	355 25
.....	.....	.....	.....	.....	.....	.....	....	.....	479 42
1,334 56	187 40	4 00	5 00	.....	15 30	.....	....	1,546 26	4,668 27
5,941 33	.....	.....	.....	.....	59 42	.....	21	6,000 75	5,509 50
63 64	47 30	.....	.....	.....	1 60	.....	....	112 54	434 10
4,720 81	.....	.....	.....	.....	47 20	.....	....	4,768 01	1,814 80
10,725 78	47 30	.....	.....	.....	108 22	.....	21	10,881 30	7,758 40
.....	.....	.....	.....	.....	.....	.....	....	.....	1,005 78
.....	.....	.....	.....	.....	.....	.....	....	.....	125 19
.....	.....	.....	.....	.....	.....	.....	....	.....	110 69

STATEMENT—

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of board and nursing per week.
***Maryland*—Cont'd.**					
Baltimore	Philip F. Thomas..	275	248	Hospital	$3 00
Annapolis	James Sands	4	4	Private house	2 50
Oxford					
Vienna					
		279	252		
District of Columbia.					
Georgetown	Robert White	18	17	Wash'n infirmary..	3 00
Virginia.					
Wheeling	A. J. Pannell	15	15	Private board	3 00
Yeocomico					
Norfolk and Portsmouth	Samuel T. Sawyer.	180	167		
Tappahannock	Geo. T. Wright...	14	15	Private board	3 00
Cherrystone	John S. Parker...	1	1	do	3 00
Richmond	John Lynch	12	12	Infirmary	
Petersburg	Lewis Lunsford...	153	153	Hospital	3 00
Alexandria	Edward S. Hough.	20	19	Wash'n infirmary..	3 00
Yorktown	P. J. Barziza				
		395	382		
North Carolina.					
Camden	L. D. Starke	116	121	Hospital	3 00
Edenton	E. Wright	5	4	Private board	3 00
Plymouth	Jos. Ramsey	39	37	do	3 00
Newbern	Thos. S. Singleton.	23	20	do	3 50
Washington	Henry F. Hancock	8	7	do	3 00
Ocracoke	O. S. Dewey	15	14	Hospital	
Beaufort	James E Gibble..	5	5	Boarding-house	3 50
Wilmington	W. C. Bettancourt	170	166	Private board	3 50
		381	374		
South Carolina.					
Charleston	Wm. F. Colcock..	266	254	City hospital	4 20
Georgetown	Thos. L. Shaw	66	64	Private board	3 50
Beaufort					
		332	318		
Georgia.					
Savannah	John Boston	154	150	Hospital	
St. Mary's	John H. Dilworth				

nued.

	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
0 12	.....	.....	.....	.....	$43 69	.....	17	$4,213 81	$5,636 00
4 99	.....	.....	.....	.....	45	.....	....	45 44	194 61
....	.....	.....	.....	.....	.....	.....	....	.....	324 70
....	.....	.....	.....	.....	.....	.....	....	.....	934 10
5 11	.....	.....	.....	.....	44 14	.....	17	4,259 25	7,325 29
1 82	.....	.....	$1 50	.....	1 83	$9 00	1	184 15	430 93
1 31	$39 40	$20 00	.....	.....	2 02	.....	....	205 73	880 31
....	.....	.....	.....	.....	.....	.....	....	.....	135 00
3 35	.....	.....	.....	.....	41 93	.....	9	4,235 28	1,634 76
7 58	52 25	27 57	.....	.....	1 85	.....	....	189 25	167 26
2 00	.....	.....	.....	.....	12	.....	....	12 12	388 31
0 19	.....	.....	.....	.....	4 70	.....	....	474 89	533 41
3 63	290 25	119 20	.....	.....	9 23	6 00	1	933 31	290 09
5 44	.....	.....	.....	.....	1 86	.....	....	188 30	993 26
....	.....	.....	.....	.....	.....	.....	....	.....	451 25
2 50	381 90	166 77	.....	.....	61 71	6 00	10	6,238 88	5,473 65
3 42	523 25	209 30	.....	$15 00	19 55	36 00	6	1,976 52	476 79
0 28	6 00	2 30	.....	1 06	26	6 00	1	25 90	138 46
3 58	138 75	52 38	.....	9 00	5 36	12 00	2	541 07	345 53
0 59	173 25	.....	.....	.....	20 03	5 00	1	668 87	347 15
2 30	18 10	.....	14 00	.....	80	6 00	1	81 29	300 64
7 06	.....	.....	.....	.....	26 38	.....	....	2,663 44	74 69
1 00	21 75	8 40	.....	.....	1 03	.....	....	104 18	58 50
0 35	515 75	206 30	36 00	.....	15 09	12 00	2	1,984 49	651 66
0 58	1,396 85	478 68	50 00	25 06	88 50	77 00	13	8,045 67	2,393 42
0 40	.....	.....	.....	.....	39 01	.....	....	4,004 41	1,372 42
1 00	158 50	63 40	.....	.....	6 50	.....	2	656 40	89 70
...	.....	.....	.....	.....	.....	.....	....	.....	7 20
1 40	158 50	63 40	.....	.....	45 51	.....	2	4,660 81	1,469 32
0 70	.....	.....	.....	.....	23 30	.....	5	2,353 00	612 48
1 00	.....	.....	.....	.....	3	.....	....	3 03	124 91

STATEMENT—

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of board and nursing per week.
Georgia—Con'd.					
Brunswick	Woodford Mabry	35	46	Private family	$3 50
		189	196		
Alabama.					
Mobile	Thaddeus Sandford	388	326	Hospital	
Mississippi.					
Pearl River					
Natchez	Edward Pickett			Hospital	
Vicksburg					
Florida.					
Pensacola	Joseph Sierra			Hospital	
St. Augustine	Paul Arnau	3	3	Private board	
Key West	John P. Baldwin	78	65	Hospital	
St. Mark's	Hugh Archer	45	44	Private board	3 50
St. John's	James G. Dell	30	27	do	3 50
Apalachicola	Geo. S. Hawkins	68	65	Hospital	3 00
		226	204		
Louisiana.					
New Orleans	Solomon P. Downs	912	796	Hospital	
Teche	R. N. McMillian	7	6	Private board	$3 00 to 3 50
		919	802		
Texas.					
Galveston	Hamilton Stewart	134	108	City Hospital	
Saluria	Alex'r Somerville	19	14	Hospital	5 95
Brazos de St. Jago					
		153	122		
California.					
San Francisco	Beverly C. Sanders	114	133	Hospital	
San Joaquin					
Sacramento					
San Diego					
Monterey					
Sonoma					
		114	133		

Continued.

Board and nursing.	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
$390 00	$180 25	$78 00	.....	.....	$6 83	$36 00	6	$691 08	$118 57
2,722 70	180 25	78 00	.....	.....	30 16	36 00	11	3,047 11	855 96
10,563 31	.....	.....	.....	.....	4,474 27	.....	56	15,037 58	2,542 60
.....	.....	.....	.....	.....	.....	.....	....	.....	256 19
5,033 11	.....	.....	.....	.....	50 32	.....	....	5,083 43	1 60
.....	.....	.....	.....	.....	.....	.....	....	.....	.....
5,033 11	.....	.....	.....	.....	50 32	.....	....	5,083 43	257 79
2,864 04	.....	.....	.....	.....	28 64	.....	....	2,892 68	134 77
3 00	.....	.....	.....	.....	3	.....	....	3 03	.....
3,120 42	.....	.....	.....	.....	31 26	.....	9	3,151 68	546 24
182 50	201 00	.....	.....	.....	4 01	13 00	1	405 51	196 02
146 00	65 75	28 30	$3 00	.....	6 09	24 00	3	273 14	294 88
1,604 04	78 75	38 20	.....	.....	17 20	.....	....	1,738 19	421 29
7,920 00	345 50	66 50	3 00	.....	87 23	42 00	13	8,464 23	1,593 20
20,170 39	.....	.....	.....	.....	201 69	.....	117	20,372 08	8,707 86
57 00	14 25	5 00	12 00	.....	94	6 00	1	95 19	200 18
20,227 39	14 25	5 00	12 00	.....	202 63	6 00	118	20,468 27	8,908 04
1,780 30	69 00	27 60	.....	.....	18 83	6 00	26	1,901 73	561 64
295 08	.....	.....	.....	.....	2 94	.....	5	298 02	116 39
.....	.....	.....	.....	.....	.....	.....	....	.....	56 87
2,075 38	69 00	27 60	.....	.....	21 77	6 00	31	2,199 75	734 90
59,302 53	671 00	.....	.....	.....	521 58	.....	4	60,495 11	12,218 62
.....	.....	.....	.....	.....	.....	.....	....	.....	.....
.....	.....	.....	.....	.....	.....	.....	....	.....	162 60
.....	.....	.....	.....	.....	.....	.....	....	.....	.....
.....	.....	.....	.....	.....	.....	.....	....	.....	34 40
.....	.....	.....	.....	.....	.....	.....	....	.....	117 93
59,302 53	671 00	.....	.....	.....	521 58	.....	4	60,495 11	12,533 55

STATEMENT—

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of board and nursing per week.
Oregon.					
Astoria		1	1	Private board	
Washington Territory.					
Umpqua					
Puget s Sound					
Minnesota.					
Pembina					
Missouri.					
St. Louis	Wm. A. Linn	364	345	Hospital	$3 00
Wisconsin.					
Milwaukie		64	60	Infirmary	2 50
Michigan.					
Detroit	John H. Harman	385	393	Private board	2 00
Michilimackinac	A. Toll	7	7	Boarding-house	3 00
		392	400		
Illinois.					
Chicago	Wm. B. Snowhook	95	94	Hospital	
Alton	Wm. Martin				
Galena	Daniel Wann				
		95	94		
Indiana.					
New Albany					
Evansville					
Ohio.					
Cincinnati	S. B. W. McLean	154	103	Hospital	
Miami	Josiah Riley	22	21	Private board	3 00
Sandusky	James A. Jones	25	19	do	$2 50 to 3 00
Cuyahoga	Robert Parks				
	201 143				

nued.

	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
0 00	.....	.....	.....	.....	$30	.....	....	$30 30	$141 04
....	.....	.....	.....	.....	.....	.....	....	.....	17 41
....	.....	.....	.....	.....	.....	.....	....	.....	.....
....	.....	.....	.....	.....	.....	.....	....	.....	17 41
....	.....	.....	.....	.....	.....	.....	....	.....	.....
9 86	.....	.....	.....	.....	43 37	$48 00	$19	4,381 23	3,195 61
6 23	$145 50	.....	.....	.....	10 06	15 00	4	1,016 84	434 60
8 47	.....	.....	.....	.....	38 45	.....	....	3,876 92	1,962 30
7 89	9 00	$6 10	.....	.....	1 03	.....	....	104 02	247 51
7 36	9 00	6 10	.....	.....	39 48	.....	....	3,980 94	2,209 81
1 20	.....	.....	.....	.....	116 40	.....	4	8,417 60	1,119 50
....	.....	.....	.....	.....	.....	.....	....	.....	113 80
....	.....	.....	.....	.....	.....	.....	....	.....	144 30
1 20	.....	.....	.....	.....	116 40	.....	4	8,417 60	1,377 60
....	.....	.....	.....	.....	.....	.....	....	.....	84 40
....	.....	.....	.....	.....	.....	.....	....	.....	9 60
....	.....	.....	.....	.....	.....	---	....	.....	94 00
0 22	.....	.....	.....	.....	71 92	48 00	28	7,250 15	3,055 79
2 72	.....	.....	.....	.....	9 50	.....	1	962 22	135 80
5 63	149 25	.....	$5 00	.....	3 70	.....	....	373 58	352 84
1 67	.....	.....	.....	.....	72 81	.....	....	7,354 48	1,560 29
0 25	149 25	.....	5 00	.....	157 93	48 00	29	15,940 43	5,104 72

STATEMENT—

Port or district.	Agent.	Seamen admitted.	Seamen discharged.	Mode of accommodation.	Rate of board and nursing per week.
Kentucky.					
Louisville	Henry N. Sands	268	250	Hospital	
Paducah	Alfred Boyd			do	
Smithland		17	17	do	
		285	267		
Tennessee.					
Nashville	Jesse Thomas	20	23	Private board	$2 50
Memphis	Edward Dashiell	154	128	Hospital	3 50
Knoxville					
		174	151		

Continued.

Board and nursing.	Medical services.	Medicine.	Travelling expenses.	Clothing.	Other charges, including commissions.	Funeral expenditures.	Deaths.	Total expenditures.	Hospital money collected.
$11,500 58	.....	.....	.....	.....	$114 99	.....	16	$11,615 57	$2,334 10
5,461 28	.....	.....	.....	.....	28 10	.....	....	5,489 38	.....
337 00	.....	.....	.....	.....	.....	.....	....	337 00	.....
17,298 86	.....	.....	.....	.....	143 09	.....	16	17,441 95	2,334 10
145 03	.....	.....	.....	.....	1 45	.....	....	146 48	375 00
999 50	.....	.....	.....	.....	9 98	.....	25	1,009 48	235 82
.....	.....	.....	.....	.....	.....	.....	....	.....	72 58
1,144 53	.....	.....	.....	.....	11 43	.....	25	1,155 96	683 40

Wisconsin	64	60	846 28	145 50				10 06	15 00	4	1,016 84	434 60
Iowa												
Michigan	392	400	3,927 36	9 00	6 10			39 48			3,980 94	2,209 81
Illinois	95	94	8,301 20					116 40		4	8,417 60	1,377 60
Indiana (no return)												94 00
Ohio	201	143	15,580 2[illegible]	149 25		5 00		157 93	48 00	29	15,940 43	5,104 72
Kentucky	2[illegible]5	267	17,298 86					143 09		16	17,441 95	2,334 10
Tennessee	174	151	1,144 53					11 43		25	1,155 96	683 40
	9,963	9,153	266.390 46	8,890 81	3,036 97	161 13	26 56	7,055 28	554 45	549	286,115 66	146,576 31

F. BIGGER, *Register.*

TREASURY DEPARTMENT, *Register's Office, December* 1, 1854.

Statement of the appropriations for the service of the Department of the Interior from July 1, 1853, to June 30, 1854; made pursuant to the provisions of the second section of the act of Congress of May 1, 1820, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Heads of appropriations.	Balances of appropriations July 1, 1853.	Appropriations for the fiscal year 1853–'54.	Repayments from July 1, 1853, to June 30, 1854.	Amounts applicable to the service of the fiscal year 1853–'54.	Amounts drawn by requisitions from the treasury during the fiscal year 1853–'54.	Balances June 30, 1854.
Current expenses of Indian department	.....	.....	$414 92	$414 92	$414 92	.....
Contingencies of Indian department	$6,302 07	$36,500 00	996 68	43,798 75	40,404 13	$3,394 62
Pay of superintendents and Indian agents	16,525 05	56,250 00	1,387 50	74,162 55	43,569 40	30,593 15
Pay of sub-agents	6,970 67	.....	82 11	7,052 78	5,748 07	1,304 71
Pay of interpreters	17,358 28	28,000 00	66 58	45,424 86	21,027 61	24,397 25
Clerk to superintendents at St. Louis and Western Territory	.....	2,200 00	.....	2,200 00	1,630 05	569 95
Houses for agents, &c	5,479 84	2,000 00	.....	7,479 84	281 75	7,198 09
Medals for Indian chiefs	.....	2,500 00	.....	2,500 00	2,479 64	20 36
Civilization of Indians	11,565 02	10,000 00	.....	21,565 02	13,015 00	8,550 02
Presents for Indians	3,658 27	5,000 00	1,552 22	10,210 49	5,527 72	4,682 77
Provisions for Indians	28,740 59	11,800 00	.....	40,540 59	21,325 86	19,214 73
Expenses of collecting and digesting statistics of Indian tribes of the United States	27 71	17,620 50	275 00	17,923 21	16,925 41	997 80
Employment of physicians to vaccinate Indians	.....	4,500 00	.....	4,500 00	742 00	3,758 00
Expenses of procuring information, &c., for Indian bureau, and for making treaties, &c.; act September 30, 1850	53 98	.....	500 00	553 98	200 00	353 98
Interest, &c., due on investments to Indian tribes and reimbursable	119 53	.....	19,080 00	19,199 53	*19,080 00	119 53
Fulfilling treaties with Cherokees—act January 9, 1837—being proceeds of school lands, per treaty of 1819	40 45	.....	.....	40 45	.....	40 45
Trust fund—interest on investment in stocks, per Cherokee treaty of 1835	30,376 53	.....	51,674 13	82,050 66	51,985 02	30,065 64

*Carried to surplus fund.

Trust-fund—interest on investment in stocks for Cherokee schools, per treaty of 1819	869 98		3,416 68	4,286 66	2,294 98	1,991 68
Payment due William Williams, under sixteenth article Cherokee treaty of 1835–'36	150 00			150 00		150 00
Payment due Presha Bedwell, (formerly Presha Foreman,) a Cherokee	464 00			464 00		464 00
Payment of amount due legal representatives of Armee, a Cherokee		682 00		682 00	682 00	
Fulfilling treaties with Chickasaws	3,000 00	3,000 00		6,000 00	3,000 00	3,000 00
Fulfilling treaties with Creeks	32,193 99	56,640 00	954 00	89,787 99	55,229 50	34,558 49
Trust-fund—interest on investment in stocks for Creek orphans	13,136 31		12,159 08	25,295 39	21,484 83	3,810 56
Expenses of running and marking boundary line of Creek country west of Arkansas	2,700 00			2,700 00	2,700 00	
Payment to the Creek nation of Indians of a balance claimed by them of the award for claims of citizens of Georgia, &c, per third section of act of August 12, 1848	28,211 18			28,211 18	28,211 18	
Fulfilling treaties with Choctaws	9,013 98	10,520 00	15,020 00	34,553 98	25,937 25	8,616 73
Trust fund—interest on bonds for Choctaw orphans on account of reservations	5,550 26			5,550 26		5,550 26
Trust fund—interest on investments in stocks for Choctaws—education	12,959 64		10,894 03	23,853 67	17,292 29	6,560 78
Trust fund—interest on investment for Choctaws, under their convention with Chickasaws	13,557 13		27,146 74	40,703 87	27,079 33	13,624 54
Removal of Choctaws west of the Mississippi; act of March 3, 1842, &c	79,096 97		1,917 35	81,014 32	80,809 75	204 57
Interest on awards to Choctaw claimants, &c., for 1845 and 1846; act of June 7, 1846, &c	17,410 67			17,410 67		17,410 67
Carrying into effect Choctaw treaty; re-appropriated by act of June 11, 1842, and act July 21, 1852	95 83			95 83		95 83
Carrying into effect Choctaw treaty on account of lands relinquished; re-appropriated by act of March 2, 1831, and act of July 21, 1852	826 26			826 26		826 26
Fulfilling treaties with Chippewas of Mississippi and Lake Superior, of October 4, 1842; act of June 17, 1844, &c	69,525 64	66,200 00	5,051 43	140,777 07	70,997 95	69,779 12
Fulfilling treaties with Chippewa of Saganaw	5,240 08	5,800 00		11,040 08	5,800 00	5,240 08
Trust fund—interest on investments in stocks for Chippewas of Swan Creek, &c.; act of January 9, 1837	440 23		1,353 50	1,793 73	586 97	1,206 76
Trust fund—interest on investment in stocks for mills for Chippewas, Ottowas, and Pottawatomies	3,053 60		9,849 09	13,502 69	5,500 00	8,002 69

Statement of the appropriations for the service of the Department of the Interior from July 1, 1853, to June 30, 1854; made pursuant to the provisions of the second section of the act of Congress of May 1, 1820, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Heads of appropriations.	Balances of appropriations July 1, 1853.	Appropriations for the fiscal year 1853-'54.	Repayments from July 1, 1853, to June 30, 1854.	Amounts applicable to the service of the fiscal year 1853-'54.	Amounts drawn by requisitions from the treasury during the fiscal year 1853-'54.	Balances June 30, 1854.
Current expenses of Indian department	.....	.....	$414 92	$414 92	$414 92	.....
Contingencies of Indian department	$6,302 07	$36,500 00	996 68	43,798 75	40,404 13	$3,394 62
Pay of superintendents and Indian agents	16,525 05	56,250 00	1,387 50	74,162 55	43,569 40	30,593 15
Pay of sub-agents	6,970 67	.....	82 11	7,052 78	5,748 07	1,304 71
Pay of interpreters	17,358 28	28,000 00	66 58	45,424 86	21,027 61	24,397 25
Clerk to superintendents at St. Louis and Western Territory	.....	2,200 00	.....	2,200 00	1,630 05	569 95
Houses for agents, &c	5,479 84	2,000 00	.....	7,479 84	281 75	7,198 09
Medals for Indian chiefs	.....	2,500 00	.....	2,500 00	2,479 64	20 36
Civilization of Indians	11,565 02	10,000 00	.....	21,565 02	13,015 00	8,550 02
Presents for Indians	3,658 27	5,000 00	1,552 22	10,210 49	5,527 72	4,682 77
Provisions for Indians	28,740 59	11,800 00	.....	40,540 59	21,325 86	19,214 73
Expenses of collecting and digesting statistics of Indian tribes of the United States	27 71	17,620 50	275 00	17,923 21	16,925 41	997 80
Employment of physicians to vaccinate Indians	.....	4,500 00	.....	4,500 00	742 00	3,758 00
Expenses of procuring information, &c., for Indian bureau, and for making treaties, &c.; act September 30, 1850	53 98	.....	500 00	553 98	200 00	353 98
Interest, &c., due on investments to Indian tribes and reimbursable	119 53	.....	19,080 00	19,199 53	*19,080 00	119 53
Fulfilling treaties with Cherokees—act January 9, 1837—being proceeds of school lands, per treaty of 1819	40 45	.....	.....	40 45	.....	40 45
Trust fund—interest on investment in stocks, per Cherokee treaty of 1835	30,376 53	.....	51,674 13	82,050 66	51,985 02	30,065 64

*Carried to surplus fund.

Trust-fund—interest on investment in stocks for Cherokee schools, per treaty of 1819	869 98		3,416 68	4,286 66	2,294 98	1,991 68
Payment due William Williams, under sixteenth article Cherokee treaty of 1835–'36	150 00			150 00		150 00
Payment due Presha Bedwell, (formerly Presha Foreman,) a Cherokee	464 00			464 00		464 00
Payment of amount due legal representatives of Armee, a Cherokee		682 00		682 00	682 00	
Fulfilling treaties with Chickasaws	3,000 00	3,000 00		6,000 00	3,000 00	3,000 00
Fulfilling treaties with Creeks	32,193 99	56,640 00	954 00	89,787 99	55,229 50	34,558 49
Trust-fund—interest on investment in stocks for Creek orphans	13,136 31		12,159 08	25,295 39	21,484 83	3,810 56
Expenses of running and marking boundary line of Creek country west of Arkansas	2,700 00			2,700 00	2,700 00	
Payment to the Creek nation of Indians of a balance claimed by them of the award for claims of citizens of Georgia, &c, per third section of act of August 12, 1848	28,211 18			28,211 18	28,211 18	
Fulfilling treaties with Choctaws	9,013 98	10,520 00	15,020 00	34,553 98	25,937 25	8,616 73
Trust fund—interest on bonds for Choctaw orphans on account of reservations	5,550 26			5,550 26		5,550 26
Trust fund—interest on investments in stocks for Choctaws—education	12,959 64		10,894 03	23,853 67	17,292 29	6,560 78
Trust fund—interest on investment for Choctaws, under their convention with Chickasaws	13,557 13		27,146 74	40,703 87	27,079 33	13,624 54
Removal of Choctaws west of the Mississippi; act of March 3, 1842, &c	79,096 97		1,917 35	81,014 32	80,809 75	204 57
Interest on awards to Choctaw claimants, &c., for 1845 and 1846; act of June 7, 1846, &c	17,410 67			17,410 67		17,410 67
Carrying into effect Choctaw treaty; re-appropriated by act of June 11, 1842, and act July 21, 1852	95 83			95 83		95 83
Carrying into effect Choctaw treaty on account of lands relinquished; re-appropriated by act of March 2, 1831, and act of July 21, 1852	826 26			826 26		826 26
Fulfilling treaties with Chippewas of Mississippi and Lake Superior, of October 4, 1842; act of June 17, 1844, &c	69,525 64	66,200 00	5,051 43	140,777 07	70,997 95	69,779 12
Fulfilling treaties with Chippewa of Saganaw	5,240 08	5,800 00		11,040 08	5,800 00	5,240 08
Trust fund—interest on investments in stocks for Chippewas of Swan Creek, &c.; act of January 9, 1837	440 23		1,353 50	1,793 73	586 97	1,206 76
Trust fund—interest on investment in stocks formills for Chippewas, Ottowas, and Pottawatomies	3,053 60		9,849 09	13,502 69	5,500 00	8,002 69

STATEMENT—Continued.

Heads of appropriations.	Balances of appropriations July 1, 1853.	Appropriations for the fiscal year 1853–'54.	Repayments from July 1, 1853, to June 30, 1854.	Amounts applicable to the service of the fiscal year 1853–'54.	Amounts drawn by requisitions from the treasury during the fiscal year 1853–'54.	Balances June 30, 1854.
Trust fund—interest on investment in stocks for education for Chippewas, Ottowas, and Pottawatomies	$258 32	.....	$16,024 94	$16,283 26	$3,564 38	$12,718 88
Fulfilling treaties with Chippewas, Menomonies, Winnebagoes, and New York Indians	3,935 76	$1,500 00	.....	5,435 76	2,250 00	3,185 76
Removal and subsistence of Chippewas of Lake Superior to Mississippi, from lands ceded, &c; act of September 30, 1850	.....	.....	861 43	861 43	861 43	.....
Expenses of removal of sub-agency of Chippewas of Lake Superior and Mississippi; act of February 27, 1851	5 30	.....	.....	5 30	.....	5 30
Fulfilling treaties with Christian Indians	402 80	400 00	.....	802 80	400 00	402 80
Presents to Comanches, Kioways, and other Indians on Arkansas river; act of August 30, 1852	3,938 75	.....	.....	3,938 75	3,565 32	373 43
Fulfilling treaties with Delawares	10,398 03	10,144 00	.....	20,542 03	10,580 00	9,962 03
Trust fund—interest on investment in stocks for Delawares—education	239 28	.....	468 38	707 66	585 45	122 21
Fulfilling treaties with Florida Indians	7,322 22	5,000 00	56,102 82	68,425 04	7,000 00	61,425 04
Fulfilling treaties with Iowas	3,800 00	7,875 00	50	11,675 50	11,675 00	50
Fulfilling treaties with Kansas	19,676 26	10,000 00	.....	29,676 26	9,303 62	20,372 64
Trust fund—interest on investment in stocks for Kansas schools	10,337 60	.....	1,499 19	11,836 79	.....	11,836 79
Fulfilling treaties with Kickapoos	5,008 20	.....	.....	5,008 20	5,008 20	.....
Fulfilling treaties with Menomonies	88,155 00	26,530 00	.....	114,685 00	31,354 83	83,330 17
Trust fund—interest on investment in stocks for Menomonies	5,278 06	.....	10,031 99	15,310 05	15,304 09	5 96
Fulfilling treaties with Miamies	70,454 96	42,580 00	.....	113,034 96	17,360 45	95,674 51
Fulfilling treaties with Eel river Miamies	1,100 00	1,100 00	.....	2,200 00	.....	2,200 00
Fulfilling treaties with Omahas	400 00	1,440 00	.....	1,840 00	992 00	848 00

Relief of Omaha Indians	20,000 00			20,000 00	5,000 00	15,000 00
Fulfilling treaties with Osages	40,350 76	25,456 00	80 88	65,887 64	26,306 18	39,581 46
Trust fund—interest on investment in stocks for Osages—education	10,055 37		1,892 18	11,947 55		11,947 55
Fulfilling treaties with Ottoes and Missourias	5,285 25	2,040 00		7,325 25	5,329 00	1,996 25
Fulfilling treaties with Ottowas	4,334 00	4,300 00		8,634 00	4,300 00	4,334 00
Trust fund—interest, &c., for Ottowas of Blanchard's fork, (proceeds of lands;) act of January 9, 1837	588 78		1,043 22	1,632 00	1,036 33	595 67
Trust fund—interest on investment to Ottowas of Roche de Boeng, &c.; act of January 9, 1837	123 78		380 58	504 36	165 04	339 32
Fulfilling treaties with Ottowas and Chippewas	54,187 78	60,140 00	764 81	115,092 59	61,655 60	53,436 99
Trust-fund—interest on investments in stocks for Ottowas and Chippewas	2,176 05		1,651 31	3,827 36	2,656 14	1,171 22
Fulfilling treaties with Pawnees	6,966 02	1,000 00		7,966 02	1,000 00	6,966 02
Fulfilling treaties with Piankeshaws	800 00	800 00		1,600 00	800 00	800 00
Fulfilling treaties with Pottawatomies	162,034 95	79,240 00		241,274 95	153,219 33	88,055 62
Fulfilling treaties with Pottawatomies of Huron	400 00	400 00		800 00	400 00	400 00
Expenses of removal and subsistence of Pottawatomies of Indiana; act March 3, 1839, &c	2,123 12			2,123 12		2,123 12
Fulfilling treaties with Quapaws	4,720 22	2,660 00		7,380 22	4,893 51	2,486 71
Fulfilling treaties with Sacs and Foxes of Mississippi	78,518 03	73,880 00		152,398 03	43,441 00	108,957 03
Fulfilling treaties with Sacs and Foxes of Missouri	8,295 18	7,870 00	61 45	16,226 63	11,165 18	5,061 45
Awards for improvements surrendered by Senecas of New York			15,018 36	15,018 36		15,018 36
Fulfilling treaties with Senecas	1,617 55	2,660 00		4,277 55	2,660 00	1,617 55
Fulfilling treaties with Senecas of New York	10,202 27	9,750 00	943 32	20,895 59	9,750 00	11,145 59
Trust-fund—Senecas of New York, per third article of treaty of May 20, 1842, (award of Buffalo and Tonawanda reservations)	108 21			108 21		108 21
Trust-fund—interest on investment in stocks for Senecas	125 00		250 00	375 00	250 00	125 00
Fulfilling treaties with Senecas and Shawnees	1,611 80	2,060 00		3,671 80	1,950 00	1,721 80
Trust-fund—interest on investment in stocks for Senecas and Shawnees	453 53		887 42	1,340 95	847 06	493 89
Fulfilling treaties with Shawnees	4,501 36	4,120 00	6	8,621 42	4,120 00	4,501 42
Trust-fund—interest on investment in stocks for Shawnees	1,018 94			1,018 94		1,018 94
Fulfilling treaties with Six Nations of New York	1,016 20	4,500 00		5,516 20	3,760 00	1,756 20
Fulfilling treaties with Sioux of Mississippi	109,632 49	308,850 00	535 56	419,018 05	145,415 36	273,602 69
Expenses of treating with Mississippi and St. Peter's Sioux, for extinguishing their title to land in Minnesota	305 50			305 50	304 02	1 48

STATEMENT—Continued.

Heads of appropriations.	Balances of appropriations July 1, 1853.	Appropriations for the fiscal year 1853–'54.	Repayments from July 1, 1853, to June 30, 1854.	Amounts applicable to the service of the fiscal year 1853–'54.	Amounts drawn by requisitions from the treasury during the fiscal year 1853–'54.	Balances June 30, 1854.
Fulfilling treaty with Stockbridges	$1,906 00	$825 00	.....	$2,731 00	.....	$2,731 00
Carrying into effect treaty with Stockbridges and Munsees—reappropriated	702 00	.....	.....	702 00	$21 00	681 00
Trust-fund—interest on investments in stocks for Stockbridges and Munsees	156 13	.....	$312 25	468 38	.....	468 38
Fulfilling treaties with Weas	3,000 00	3,000 00	.....	6,000 00	3,000 00	3,000 00
Fulfilling treaties with Winnebagoes	55,382 44	97,485 00	.....	152,867 44	102,482 37	50,385 07
Expenses of removal, &c., of Winnebagoes; act July 20, 1840, &c	2,192 24	.....	.....	2,192 24	.....	2,192 24
Fulfilling treaties with Wyandotts	18,561 28	19,210 00	.....	37,771 28	19,110 00	18,661 28
Trust-fund—interest on investments in stocks for Wyandotts; act January 9, 1837	2,462 50	.....	5,138 74	7,601 24	4,925 00	2,676 24
Incidental expenses of Indian service in Territory of Utah; act March 3, 1853, &c	6,169 48	10,000 00	.....	16,169 48	16,011 76	157 72
Fulfilling treaties with Utahs; act February 27, 1851	.....	.....	1,735 29	1,735 29	.....	1,735 29
Payment of annuities and transportation of same to certain Indian tribes, per seventh article of treaty of Fort Laramie of September 17, 1851; act July 21, 1852, &c	10,970 09	60,000 00	559 43	71,529 52	59,277 47	12,252 05
Expenses of Indian services in New Mexico; act August 30, 1852, &c	2,323 63	25,000 00	828 21	28,151 84	16,070 52	12,081 32
	.....	50,000 00	459 48	50,459 48	23,200 00	27,259 48
Pay of five Indian agents and their interpreters, for New Mexico and Utah	100 00	.....	378 64	478 64	387 50	91 14
Salary of clerk to superintendent in California	.....	2,500 00	.....	2,500 00	.....	2,500 00
General and incidental expenses of Indian service in California; act March 3, 1853	.....	27,400 00	.....	27,400 00	27,400 00	.....

tribes of the prairie	.....	.....	63	63	.....	63
Purchase of presents and removal of Indians from Texas	12,000 00	.....	.....	12,000 00	9,193 40	2,806 60
Compensation of three special agents and four interpreters for Indian tribes of Texas	1,685 68	18,766 22	2,685 79	23,137 69	20,337 86	2,799 83
Payment of persons engaged in provisional government of Oregon, and purchase of presents for Indian tribes, &c.; act August 14, 1848	580 77	.....	3,194 03	3,774 80	3,409 10	365 70
Clerk-hire, &c., for superintendent for Oregon	2,400 00	.....	.....	2,400 00	2,400 00	.....
Office-rent, fuel, and lights, &c., for superintendent in Oregon	.....	2,400 00	.....	2,400 00	2,400 00	.....
Expenses of negotiating treaties with Indian tribes of Oregon west of Cascade mountains	6,000 00	.....	839 45	6,839 45	2,000 00	4,839 45
Travelling expenses of superintendent and Indian agents in Oregon; act July 21, 1852, &c	2,000 00	2,000 00	.....	4,000 00	4,000 00	.....
Payment of account of Governor John P. Gaines and Courtney M. Walker; act March 3, 1853	.....	4,979 00	.....	4,979 00	4,979 00	.....
Navy pension fund	8,030 86	.....	19,838 22	27,869 08	13,061 69	14,807 39
Privateer pension fund	.....	8,400 00	32 00	8,432 00	1,432 00	7,000 00
Invalid pensions, navy	63,582 96	25,000 00	17,254 64	105,837 60	16,296 81	89,540 79
Five years' pensions to widows; acts 1845, 1847, and 1848. (Indefinite)	.....	90,074 24	38,177 20	128,251 44	128,251 44	.....
Revolutionary pensions	44,690 00	.....	37,585 13	82,275 13	4,074 00	78,201 13
Invalid pensions	71,661 67	480,000 00	20,104 68	571,766 35	488,778 70	82,987 65
Pensions; act May 15, 1828	.....	.....	38,540 77	38,540 77	4,851 48	33,689 29
Pensions; act June 7, 1832	.....	.....	125,171 21	125,171 21	73,230 40	51,940 81
Pensions to widows and orphans; act July 4, 1836, &c	166,439 64	28,000 00	51,109 55	245,549 19	160,934 95	84,614 24
Pensions; act July 7, 1838	37,313 43	90,000 00	18,653 13	145,966 56	72,443 43	73,523 13
Pensions; act March 3, 1843	2,252 67	30,000 00	27,244 62	59,497 29	10,510 94	48,986 35
Pensions; acts of June 17, 1844, February 2 and July 29, 1848	402,457 36	272,000 00	13,076 17	687,533 53	429,599 76	257,933 77
Unclaimed pensions; act April 6, 1846	.....	25,135 74	.....	25,135 74	25,135 74	.....
Half-pay pensions, payable through Third Auditor's office	29,688 42	10,000 00	.....	39,688 42	976 65	38,711 77
Pensions; act February 3, 1853	.....	302,000 00	2,815 87	304,815 87	210,842 82	93,973 05
	2,142,285 67	2,699,682 70	698,024 57	5,539,992 94	3,163,217 52	2,376,775 42

RECAPITULATION.

Amount applicable to the service of the fiscal year 1853–'4, as per aggregate of fourth column		$5,539,992 94
From which deduct amount of refunding and transfer requisitions, per third column		698,024 57
Will show the amount applicable to the above period		4,841,968 37
From which deduct amount drawn by requisitions from the treasury, as per aggregate of fifth column	$3,163,217 52	
From which last sum deduct amount drawn by refunding and transfer requisitions, as per third column	698,024 57	
		2,465,192 95
Will leave the aggregate of the sixth column of balances on June 30, 1854		2,376,775 42

J. M. BRODHEAD, *Comptroller.*

TREASURY DEPARTMENT,
Second Comptroller's Office, December 15, 1854.

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 16.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, the instructions and correspondence between the government and Major General Wool, in regard to his operations on the coast of the Pacific.

JANUARY 3, 1855.—Read, and ordered to be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th instant, requesting me, if not incompatible with the public interests, to communicate to that body "copies of all instructions and correspondence between the different departments of the government and Major General Wool, commanding the Pacific division of the army, in regard to his operations on that coast," I transmit the accompanying documents.

FRANKLIN PIERCE.

WASHINGTON, *December* 26, 1854.

WAR DEPARTMENT,
Washington, December 23, 1854.

SIR: I have the honor to transmit, herewith, copies of all instructions and correspondence between this department and Brevet Major General John E. Wool, commanding the Pacific department, in regard to his operations on that coast, as required by a resolution of the Senate passed the 5th instant.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

List of papers accompanying report of the Secretary of War, of December 23, 1854, to the President.

December 26, 1853, General Wool to the Adjutant General.
December 30, 1853, the Adjutant General to General Wool.

January 7, 1854, the Adjutant General to the Commanding General.
January 7, 1854, General Wool to the Secretary of War.
January 9, 1854, order assigning General Wool to command.
January 10, 1854, General Wool to the Secretary of War.
January 12, 1854, the Secretary of War to General Wool.
January 14, 1854, General Wool to the Adjutant General.
January 16, 1854, the Adjutant General to General Wool.
January 19, 1854, General Wool to the Adjutant General.
February 14, 1854, General Wool to General Scott.
February 28, 1854, General Wool to the Commanding General.
March 1, 1854, General Wool to the Secretary of War.
March 14, 1854, General Wool to the Secretary of War.
March 14, 1854, General Wool to the Adjutant General.
March 15, 1854, General Wool to the Adjutant General.
March 15, 1854, General Wool to the Adjutant General.
March 16, 1854, the Adjutant General to General Wool.
March 27, 1854, General Wool to the Adjutant General.
March 27, 1854, General Wool to the Adjutant General.
March 31, 1854, General Wool to the Secretary of War.
March 31, 1854, General Wool to the Quartermaster General.
March 31, 1854, General Wool to the Adjutant General.
March 31, 1854, General Wool to the Commanding General.
March 31, 1854, General Wool to the Commanding General.
April 13, 1854, the Secretary of War to General Wool.
April 14, 1854, the Secretary of War to General Wool.
April 14, 1854, General Wool to the Adjutant General.
April 14, 1854, General Wool to the Secretary of War.
April 14, 1854, General Wool to the Adjutant General.
April 15, 1854, General Wool to the Adjutant General.
April 19, 1854, the Adjutant General to General Wool.
April 27, 1854, General Wool to the Adjutant General.
May 9, 1854, the Adjutant General to General Wool.
May 12, 1854, General Wool to the Adjutant General.
May 15, 1854, General Wool to the Secretary of War.
May 15, 1854, General Wool to the Secretary of War.
May 15, 1854, General Wool to the Commanding General.
May 17, 1854, the Adjutant General to General Wool.
May 18, 1854, the Commanding General to General Wool.
May 26, 1854, the Adjutant General to General Wool.
May 29, 1854, the Adjutant General to General Wool.
May 30, 1854, General Wool to the Adjutant General.
May 30, 1854, General Wool to the Secretary of War.
May 31, 1854, General Wool to the Secretary of War.
June 1, 1854, General Wool to the Commanding General.
June 14, 1854, General Wool to the Commanding General.
June 16, 1854, General Wool to the Adjutant General.
July 1, 1854, General Wool to the Commanding General.
July —, 1854, General Wool to the Adjutant General.
July 12, 1854, General Wool to the Adjutant General.
July 28, 1854, General Wool to the Adjutant General.
July 31, 1854, General Wool to the Secretary of War.

it 3, 1854, the Adjutant General to General Wool.
it 4, 1854, the Adjutant General to General Wool.
it 4, 1854, the Adjutant General to General Wool.
it 14, 1854, General Wool to the Adjutant General.
it 16, 1854, the Adjutant General to General Wool.
it 18, 1854, the Secretary of War to General Wool.
it 28, 1854, the Secretary of War to General Wool.
it 29, 1854, General Wool to the Secretary of War.
t 31, 1854, General Wool to the Commanding General.
nber 11, 1854, General Wool to the Adjutant General.
nber 14, 1854, General Wool to the Commanding General.
nber 15, 1854, the Adjutant General to General Wool.
nber 26, 1854, General Wool to the Adjutant General.
nber 27, 1854, General Wool to the Commanding General.
er 2, 1854, the Adjutant General to General Wool.
er 11, 1854, General Wool to the Adjutant General.
er 13, 1854, General Wool to the Secretary of War.
er 14, 1854, General Wool to the Adjutant General.
er 19, 1854, General Wool to the Adjutant General.
er 21, 1854, the Adjutant General to General Wool.
er 23, 1854, General Wool to the Commanding General.
er 28, 1854, the Adjutant General to General Wool.
er 30, 1854, General Wool to the Adjutant General.
er 31, 1854, General Wool to the Commanding General.
ber 10, 1854, General Wool to the Adjutant General.
ber 11, 1854, the Adjutant General to General Wool.
ber 13, 1854, the Secretary of War to General Wool.

TROY, *December* 26, 1853.

EL: I have returned to this city to make preparations for my
ommand in California. I find much more to do than I antici-
order to arrange my private affairs in such way as not, after I
he command of the Pacific department, to distract my atten-
the duties which may be required of me. It is no small affair
e everything satisfactorily, and to provide the ways and means
for Mrs. Wool during my absence. No time, however, will
getting ready to depart as soon as possible. I could go on
if there was a ship going at that time; but not on the 5th, the
e all others that would be the most inconvenient for me to

onversing with the Secretary of War and yourself, when at
ton, on the subject of staff officers going to California, I called
ief of engineers, colonel of ordnance, and colonel of the topo-
engineers. The first, General Totten, thought he had as
gineers in California as the service required. The second,
ordnance, thought, with the storekeepers, the two ord-
icers now in California would do all the duty required. He
inclined to send Major Thornton, and represented Captain

Stone as very efficient, which I presume is true. The third, Colonel Abert, said he had no topographical engineers to spare.

From all which I am apprehensive I shall get no additional staff officers for California. From the representations of the Secretary of War it appears to me no department requires efficiency more than the Pacific; and we have no other where staff officers could be so advantageously employed, and especially topographical engineers.

On examination of the quartermaster's returns of quartermasters' stores at the depot of Benicia, sent to me by the quartermaster general, I found it necessary to ask for dragoon saddles, holsters, valises, bridles, &c., &c.; horse-shoes, carpenters' tools, broad-axes, picks, crowbars, &c.

I also required of the Ordnance Department 43 heavy guns for the works in progress in the harbor of San Francisco. These were recommended by General Totten. I also required 12 mountain howitzers, with two forges, and four travelling forges; all which, with quartermasters' stores, ought to be sent to California as soon as practicable.

Please to inform me whether the military supplies required for Oregon are obtained from the Benicia depot or direct from this quarter.

I will thank you to show this letter to the Secretary and communicate to me his views on the subject.

The forepart of January I will report to him in person.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adjutant General, Washington city.

P. S.—My time, up to the present hour, has been occupied only with official business. W.

ADJUTANT GENERAL'S OFFICE,
Washington, December 30, 1853.

GENERAL: Your letter of the 26th instant, in relation to your preparations for service in the department of the Pacific, has been submitted to the Secretary of War. In reply to your inquiry where the military supplies required in Oregon are obtained, I have the honor to inform you that such supplies are almost wholly furnished from the depot at Benicia, California. An occasional shipment is made from the Atlantic States.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. J. E. WOOL,
U. S. army, Troy, N. Y.

ADJUTANT GENERAL'S OFFICE,
Washington, January 7, 1854.

GENERAL: The Secretary of War directs that Brevet Major General John E. Wool be assigned to the command of the department of the Pacific, according to his brevet of major general, with instructions to proceed to his destination as soon as practicable.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Major General WINFIELD SCOTT,
General-in-chief U. S. army, city of New York.

WASHINGTON, *January* 7, 1854.

SIR: Agreeably to the conversation we had yesterday, and your expressed wishes, I have the honor to present my views in regard to some of the duties which may devolve on me as commander of the Pacific department.

If I understand the object of my assignment it is to preserve, as far as it may be practicable, the peace and quiet of the inhabitants within and without, and to restrain those of our citizens from violating treaties on the neutrality of the country, by fitting out expeditions against nations with whom we are at peace. If I comprehend the law on this subject, in order to *act efficiently, in all cases, it will be necessary for the President to delegate the power to me by special instructions.*

I presume it will not be difficult, if it has not been done already, to select proper positions for defence of the sea coast from San Diego to Puget Sound. It may be more difficult to establish posts in the interior with reference to the depredations of the Indians, especially the roving bands, whose object is plunder. These can only be established after personal exploration, and on becoming perfectly acquainted with the country and the tribes and bands that may infest it; and these, I understand, are numerous, both in California and Oregon. It is my intention to make personally these explorations and examinations.

To restrain more effectually the Indians from committing depredations, greater power, however, should be given to the commander of the department than I think belongs to him as a military officer, or than can be conferred upon him by the Department of War. Indians can only be restrained by a decided, steady, and firm, but just course. They should be protected in all their rights, and punished whenever they violate the rights of others. An Indian never respects a civilian; a warrior most generally commands his respect, and he prefers to negotiate with him rather than with the civil agent. This opinion is founded upon twenty-five years' experience with the Indians, and by an intercourse, more or less, with all the tribes hitherto occupying the country called the valley of the Mississippi.

I have thought it proper to call your attention to this subject in consequence of the numerous tribes occupying the Territory of Utah, and the regions *bordering upon California* and Oregon, which are not in-

cluded within the department of the Pacific. These Indians are roving predatory bands, who traverse the countries on either side of the limits of the department. It is unnecessary to say that unless I have greater powers than I can have without special authority of the President, or by an amendment of the law, these bands might no less embarrass me than bring me in conflict with the agents whose particular duty it is to regulate the affairs of the Indians west of the Rocky mountains.

I presume it is your desire, as well as that of the President, to have peace and quiet secured to the white inhabitants of the whole country. This can only be done by giving ample powers to the military commander, in order that he may at once, according to circumstances, apply the corrective and restrain and keep within proper bounds the red as well as the white man. To do this more effectually, and until a sufficient regular force can be furnished to carry out the views of the President, the military commander should be authorized to call for aid from the militia within his command. As reports reach us that the Indians are yet disposed to be troublesome, both in California and Oregon, I would recommend that Major T. W. Sherman's light battery be sent next spring across the country to Oregon, or by the southern route to California. A light battery passing through the Indian country could not fail to have a very salutary influence upon the Indians.

It may not be improper to say that, in order to act with greater efficiency, the commander of the department should have all the staff departments within his command under his immediate and direct control. This is indispensable to the public interest. The delays incident to obtaining supplies in the ordinary course might seriously embarrass the operations of the department.

I have thus presented to you the subjects most important connected with the command assigned me. In doing so I have been influenced by no other consideration than to carry out, effectually and efficiently, your views, as well as those of the President; at the same time, in all cases, to consult the interests of the inhabitants, and to give them, as far as it may devolve on the United States, protection from exterior and interior enemies. In managing the affairs of the department, I assure you they will be conducted with caution, prudence, and economy.

I have refrained from troubling you with details of the service, and with reference to the supplies that may be required; these can be arranged in ordinary course, and through the heads of the departments.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

GENERAL ORDERS, No. 1.

HEADQUARTERS OF THE ARMY,
New York, January 9, 1854.

1. By direction of the Secretary of War, Brevet Major General *John E.* Wool is assigned to the command of the department of the *Pacific*, according to his brevet of major general. He will proceed to

San Francisco, California, as soon as practicable, and relieve Brevet Brigadier General Ethan A. Hitchcock, colonel second infantry.

By command of Major General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

WASHINGTON, D. C., *Jauuary* 10, 1854.

SIR: From the reports received from California, by the George Law, it would appear that an expedition, with some two hundred and fifty men, had been fitted out and sent to sustain Captain Walker, whose party, it would seem, was in a critical condition at Encinada. It would also appear that a great excitement exists on this subject in San Francisco, and that other parties are preparing to follow. I am not in possession of all your views in relation to the course that ought to be pursued towards such expeditions; and yet, if a decided and efficient course is to be adopted and followed on my arrival in California, to prevent similar expeditions against Lower California, I would suggest that the two companies at Fort Hamilton, New York, or two companies from some other post, be ordered to accompany me on the 20th instant by way of the Isthmus. This is suggested in consequence of the disaster which has befallen the San Francisco, which (although I do not believe her lost) may delay the arrival of the troops on board too late to be of service to carry out in time the views of the President.

Very respectfully, your obedient servant,

JOHN E. WOOL.
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

WAR DEPARTMENT,
Washington, January 12, 1854.

SIR: In addition to the ordinary duties of the military command to which you have been assigned, it is deemed proper to direct your attention to certain duties which will devolve upon you.

Among these will be the duty of maintaining our international obligations, by preventing unlawful expeditions against the territories of foreign powers. Confidence is felt that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously co-operate with the civil authorities in maintaining the neutrality laws.

As far as the force under your command may avail, you will protect the territory of Mexico from Indian incursions, as required by the treaty of Guadalupe Hidalgo; but a proper degree of protection is not for this purpose to be withdrawn from our own citizens; for the duty assumed by that treaty is not paramount to the obligations of the government *to its citizens.*

There is little expectation that the force disposable for service in the Pacific department will for a long time be fully adequate to the service required of it, particularly as the limits of the command are now to be extended to embrace the Territory of Utah. You may do much, however, to prevent disaster by vigilant attention to movements among the Indian tribes, and by the judicious location of the troops; avoiding large towns which need no protection, while they exercise influences injurious to discipline and foster discontent.

The removal of the Indians in California to the reservations provided for them under the act of the last Congress, will govern in an important degree the disposition of the troops and the location of military posts, and it will greatly increase the control of the military commanders over the Indians there assembled. You should confer freely with the Indian agents, and give them all needful aid in the execution of their duty, affording them the countenance and support of the military power, which are so essential in the negotiation of treaties, and in all dealings with savage tribes.

You will exercise a strict supervision over the expenditures within the limits of your command, taking such measures as your judgment may approve to prevent purchases or disbursements not actually required for the public service, and to secure public supplies from waste or loss.

Topographical information respecting the interior of the country, being of great importance, and as yet extremely imperfect, you will cause reconnoissances to be made in connexion with all military expeditions.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Brevet Major General JOHN E. WOOL,
U. S. Army.

[By telegraph.]

TROY, *January* 14, 1854.

Received at Washington, January 14, 1854, 11 o'clock 50 m., a. m.

A portion of third artillery having arrived, I recommend that two companies at Fort Hamilton go out with me on 20th instant. I go to-day to New York to look after troops just returned.

JOHN E. WOOL.

Colonel COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE,
Washington, January 16, 1854.

GENERAL: Your telegraphic dispatch of the 14th instant, recommending that the two companies of artillery at Fort Hamilton be ordered to proceed to California with you on the 20th, has been re-

ceived and submitted to the Secretary of War. It is not intended to send this command to the department of the Pacific at present, and want of time would, in any event, prevent a compliance with your recommendation.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Brevet Major General J. E. Wool,
U. S. Army, St. Nicholas Hotel, New York City.

New York, *January* 19, 1854.

Colonel: I left Washington on Thursday last. I proceeded to Baltimore and relinquished the command of the department of the east. I then pursued my way to Troy where I arrived at 10 o'clock on Friday night, when I received a telegraphic dispatch that the "Three Bells" had arrived with part of the distressed 3d artillery, whose sufferings on board of the ill-fated San Francisco have already been made known to you. On Saturday morning I returned to New York, General Scott being in Baltimore, to see and provide for their wants. I gave instructions to my aid-de-camp and Captain Hamilton to visit them on Bedlow's Island, who did everything that was required to make them comfortable. On Sunday I returned to Troy and completed my preparations to embark to-morrow at 2 o'clock for the Pacific department.

I regret that the two artillery companies of the fourth were not ordered to accompany me. The third regiment will not be reorganized for some weeks, if in months. Under any circumstances, the third, with its present field officers had better be kept in garrison on the sea-coast than be sent where active operations might become necessary. There cannot be over 1,000 troops to guard the sea-coast of California and Oregon and the interior, including Utah, from Indian depredations. This force is entirely inadequate to act efficiently either on the sea-coast or in the interior. I hope the subject will receive due consideration, when I cannot doubt that the forces in the Pacific department will be increased.

I have received the instructions of the Secretary of War.

I am, respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. Cooper,
Adjutant General, U. S. Army, Washington, D. C.

Headquarters,
San Francisco, February 14, 1854.

General: Having just arrived, and as the steamship for Panama leaves at 12 o'clock, I have only time to say that I have nothing of importance to communicate. The result of the expeditions to Lower California *is not known.* There are a variety of rumors, but they can-

not be traced to any correct source. At Acapulco, the captain of the port informed me that Santa Anna had ordered three hundred men to Sonora to expel the invaders. It was thought, for the want of supplies, they would not reach their destination. If the Secretary of War would prevent similar expeditions from this port he must send more troops to California. By the first of next month I will report in detail. Brigadier General Hitchcock informs me that he will transmit by this day's mail all information of importance in his possession relating to the department and of those who would violate the neutrality of the country.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Major General W. SCOTT,
Commanding U. S. Army, New York.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, February 28, 1854.

COLONEL: On the 16th instant I informed you of my arrival in this city, since which I have required reports embracing a statement of the condition of each post, including the Indians, their feelings and disposition; also from the chiefs of departments setting forth the amount and condition of supplies; also from the chiefs of engineers of the number of forts in progress of erection. These were called for with reference to a critical inspection of every thing connected with the Pacific department. All the reports called for, from the chiefs of departments, have been received; but owing to incessant rains since the 19th instant, I have found it impracticable to enter upon the inspection. As soon as the weather will permit I will commence that duty, and continue it until completed.

The duty, however, most important which I have been called upon to discharge, relates to expeditions made, and making, to invade the frontiers of Mexico, in violation of treaties with the Mexican government. The expedition under the so-called Colonel Walker, will, I apprehend, be broken up and soon dispersed, unless he obtains aid from this section of the country. The following information concerning the expedition is from a letter of Captain T. A. Dornin, United States navy, commanding the United States ship Portsmouth, off Ensenada, Lower California, February 15, 1854:

"Walker has gone off, struck his flag, taken his men, (some mounted, the greater part on foot,) his cattle, sheep, and two small pieces, leaving behind him one small iron piece spiked, four wounded men, and four as a guard, and two doctors. Of these, nine are now on board the steamer, with one doctor, who was left without medicines or instruments. These men begged to be taken off, saying they were deserted by their leader, and would be murdered that night; for we all saw rancherias on horseback and on foot prowling about. We do not *know* where Walker has gone; I shall find out when the steamer comes *back from* San Diego. If he has gone across, I shall send back and

give up the steamer, as I cannot get coal at the upper part of the gulf, and wood is scarce there. I think this lawless expedition may be considered broken up."

An effort is making in this city by Count de Raousset, in connexion, as I believe, with H. P. Watkins, who has been engaged in the expedition with Walker, and who has been arrested at my request, to raise men for Sonora or Lower California. I am in hopes to be able to arrest Raousset, and prevent him from his lawless purpose. I find myself, however, very much embarrassed from the want of troops to prevent expeditions being fitted out from this port. It is my intention, however, if they do succeed in leaving this port, to pursue them and bring them back. Should they escape my vigilance, I have written Captain Dornin, in command of the United States ship Portsmouth, to look for them on the coast and the gulf of California, and intercept them and send them back. At all events no efforts shall be wanting to carry out, to the fullest extent, the wishes and desires of the President in relation to all expeditions having in view the violation of treaties with foreign powers.

An increase of force to guard against difficulties with the Indians in California, Utah, Oregon, and Washington, is indispensable. We have now about 1,000 troops, daily diminishing by discharges and desertion. These are distributed over an immense territory in small commands. The number is wholly inadequate to give protection to either whites or Indians. The difficulties with the latter are frequently produced by the cupidity of the whites. Indeed, if I am correctly informed, most of the difficulties with the Indians have been caused by outrages committed by men who have no regard for law or justice. I will do all I can, with such limited means, to prevent the continuance of these outrages.

Estimates for funds, to meet the demands indispensable for the department, have been already forwarded. I trust they will be granted, and especially those intended for the ordnance and engineer departments. All expenditures on public account, as well as private, are five to one compared with those made on the Atlantic.

I am, sir, very respectfully your obedient servant,

JOHN E. WOOL,
Major General.

Lieutenant Colonel L. THOMAS.
Assistant Adjutant General,
Headquarters of the Army, New York city.

Endorsed.—Interesting. Respectfully referred to the Secretary of War.

WINFIELD SCOTT.

MARCH 30, 1854.

SAN FRANCISCO, CALIFORNIA,
March 1, 1854.

SIR: Yesterday I transmitted a report of my doings since my arrival to General Scott.

To carry out the views of the President and Secretary of War in relation to *expeditions fitting out* against Mexico, and to protect the

whites and the Indians against each other, we require more troops. We have about 1,000 men, decreasing every day by discharges and desertion, to defend or keep the peace in the immense territory of California, Oregon, Washington, and Utah. We have too few troops to do either the one thing or the other.

Colonel Watkins, who was engaged in the expedition with Captain Walker, at my request has been arrested. Count Raousset, of notoriety, is doing his best to raise men for Lower California or Sonora. I have written to Captain Dornin, on the coast of California, to keep a good look-out for the party, should they escape my vigilance. I shall look-out for this Frenchman, and arrest his progress. I shall, if possible prevent further parties going to Lower California. I do not think that the civil officers are very anxious to check these expeditions. I shall to-day see the district attorney and marshal, and ascertain what are their views, and what they will do in case it should become necessary to act against Raousset.

It has been raining incessantly since the 19th instant. The streets are almost impassable, and the roads are equally bad.

I have called for reports from all the chiefs of the several departments, embracing an exact statement of every thing in their charge; also, from the chief engineer, relating to the erections and progress of forts for the protection of the harbor of San Francisco; also, from all the military posts, to include the number of Indians, their feelings and disposition towards the white inhabitants. I have called for these reports with reference to an actual inspection of every thing connected with the department. This duty I will enter upon as soon as the weather will permit. The roads are now almost impassable from incessant rains. It has rained almost without intermission since the 19th instant. Yesterday and to-day are fair.

In conclusion, I shall do all in my power to carry out to the fullest extent your views, as well as the President's, relating to the Pacific department.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL.

Hon. JEFFERSON DAVIS,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 14, 1854.

SIR: A few days since I inspected the ordnance depot at Benicia, where I found a large amount of property exposed to the weather, for the want of store room. This fact before me, with the knowledge of a large amount of property daily expected, a memorandum of which is herewith sent, I ordered a store the size of the one recently erected, which is crowded with ordnance stores, to be put up without delay. The amount of property now at the depot exposed, and that *which* is daily, and some of it hourly expected, would, if stored in *private* stores, in a short time cost more for storage than the building

ordered to be erected, which is not to exceed the sum of twelve thousand dollars.

The necessity of the case, in order to preserve property and save expense to the United States, has induced me to give the order herewith enclosed, which I cannot doubt will be approved by the Secretary of War.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

SPECIAL ORDERS, }
No. 21. }

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 10, 1854.

Under the necessity of the case, owing to exposure to the weather of a large number of gun carriages and other property, and the want of storage for a considerable amount of ordnance stores, including muskets daily expected, Brevet Captain C. P. Stone will, without delay, commence the erection of a store-house, similar to the one recently completed, which shall not, when finished, cost exceeding $12,000.

Captain Stone will draw from time to time for such sums as he may require for the fulfilment of the above order on the colonel of ordnance.

E. D. TOWNSEND,
Assist. Adjutant General.

By command of
Major General WOOL.

MEMORANDUM OF STORES EXPECTED.

Expected to arrive immediately.

8 6-pounder guns, with carriages, implements, and equipments, complete.
14 12-pounder field howitzers, with carriages, implements, and equipments, complete.
12 field caissons, complete.
5,000 pounds musket powder.
5,000 pounds rifle powder.
5,000 priming tubes, filled.
1 fire engine, complete.

Expected by May 15, 1854.

10,000 percussion muskets, with accoutrements.
5,000 percussion rifles, with do.
800 cavalry musketoons.
200 horse *artillery sabres.*

200 non-commissioned officers' swords.
250 musicians' swords.
650 non-commissioned officers' and musicians' waist belts and plates.
250 Colt's repeating pistols.
400 pairs holsters.
5,000 feet of poplar scantling for sabots.
4,000 6-pounder shot.
1,500 6-pounder round shot.

JOHN E. WOOL,
Major General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 14, 1854.

SIR: I enclose herewith a copy of a communication, dated January 29, from Major G. J. Raines, 4th infantry, commanding Fort Dalles, Oregon, on the subject of Indian relations in that quarter. In this connexion I will also refer to the letter on the same subject from Brevet Major Alvord, dated March 31, 1853, and forwarded to Washington May 1, 1853, "recommended to the attention of the proper department."

I can add little to the representations of these officers but to urge that such steps may be taken, at an early day, as may tend to protect the peaceably disposed Indians against the outrages of lawless whites. Such outrages as are anticipated by Major Raines, in the part of Oregon to which his letter refers, are of constant occurrence in the State of California, particularly the northern part. Though copies of reports to this effect have been repeatedly forwarded from these headquarters to Washington, I cannot forbear making the following extracts from communications recently received through Brevet Colonel Wright, which give only another instance of the lawless barbarity practised upon tribes of Indians of the most inoffensive nature from, apparently, no motive but wanton cruelty.

"To Mr. Culver, Indian agent, from a committee of miners from Illinois river, dated January 19, 1854:

"The treaty made by the miners of this river last fall has been broken by a party of white men from the Sailor's Diggings, who, under the belief that they could exterminate the Indians of Illinois and Deer creek, yesterday attacked two rancherias, consisting of seven Bucks and their families, and failed, with the exception of two Indians killed and some wounded. The Indians being confined to their houses by surrounding snow, and their enemies, fought desperately for the means they had of doing so; and, after several rounds from both sides, the whites had one man wounded. A Mr. R. consulted his men whether or no it was best to continue hostilities—fled for their homes. They have left us, the miners, a prey to the Indians for their shameful and cowardly conduct."

Captain A. J. Smith, 1st dragoons, writes, in relation to this same outrage, from Fort Lane, February 3, that "a party of nineteen men from Sailor's Diggings came over to Deer creek, a tributary of the Illi-

nois, and attacked a rancheria in which there were but seven squaws, one boy, and two children, with the avowed intention of killing them all. They murdered one woman far gone with pregnancy, putting nine balls in her, and two children, and wounded three squaws and one boy, all without the slightest provocation. They were put to flight, and followed some three miles, by three squaws and the wounded boy. These brave assassins endeavored to raise an increased force to return and wipe out the Indians, when the better portion of the community interfered and delayed the party until the arrival of Mr. Culver," (Indian agent.)

Reports from the reserve recently established by Mr. Beale, Superintendent of Indian Affairs, near Tejon Pass, in the southern part of California, speak of the success of that experiment in the highest terms, and I trust every facility will be given Mr. Beale to enable him to establish other reserves in that part of California. I would also recommend that the experiment be made in Oregon, and especially in Scott's valley, which might take in the Klamath and other Indians, who I have been informed will gladly avail themselves of it, although I have doubts whether it would be successful, from the fact that the Indians in that portion of the country are of a roving disposition; and, as I am informed by Mr. Lancaster, the delegate to Congress from the Washington Territory, do not cultivate the soil, but fish and hunt in one place and seek berries and roots in another.

From all that I can learn, or have seen, in relation to the Indians and their peculiar situation in regard to the white inhabitants, treaties ought to be made with them, and if driven from their lands and hunting grounds, in order to preserve them from starvation, some allowance or remuneration should be made them.

In order to strengthen Captain Smith and prevent, as far as possible, the recurrence of further outrages, I have sent up a detachment of recruits to Fort Lane, which will add about fifty men to his command. I will only add that to keep the peace and protect the Indians against attacks from the whites, the force in this country must be increased. No efforts shall be wanting on my part to carry out the views and objects of the War Department, and, therefore, I am ready to perform any duty, whether making treaties or any other service, which may be required. As soon as the weather and travelling will permit, I will make tours of inspection throughout the department of the Pacific.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

P. S.—I enclose a copy of a report from Captain Smith of an expedition to a cave near Cottonwood, in which some Indians have fortified themselves. The reasons given for abandoning the attack appear to be sound.

JOHN E. WOOL,
Major General.

Col. S. COOPER,
Adjutant General U. S. A., Washington city.

FORT DALLES, DALLES OF COLUMBIA, OREGON,
January 29, 1854.

SIR: The time has arrived when it becomes necessary to determine the question of peace or war between the citizens of the United States and Indian tribes on this frontier, east of the "Cascades" and west of the Rocky Mountains, as will be seen in the sequel.

Indian complaints have been often brought from time to time that white men are locating on their land, against their will, and that without respect to their individual possessions, or property, or priority of title of Indian claimants.

Such statements have been met by informing them that by an act of Congress of the United States, establishing the territorial government of Oregon, (approved, March 14, 1848,) "no rights of persons or property now pertaining to the Indians in this country shall be impaired, so long as such rights shall remain unextinguished by treaty between them and the United States."

They also complain of lawless violence, injury, and murder by white men who come among them, some for secret purposes of illegal traffic in spirituous liquors, irresponsible to their laws, and who are uncontrolable by the civil law of the Territory of Oregon, which intends "good faith," with inability to carry it out, by barring Indian testimony against them "in any court or in any case whatever."—(See section 3, art. 1, of organic laws of Oregon, and section 37, legislative act of Oregon to regulate the "practice" in district and supreme courts, passed February 3 and 4, 1851.) Under the laws of Oregon these people ordinarily can have no legal prosecutor, nor grand jury legally to represent their cause, and must forever be deprived of justice as long as the disparity in numbers is so great, or a white accomplice chooses to cloak crime.—(See sections 74, 76, and 77, legislative acts on crimes and misdemeanors, passed February 6, 1851.)

The Indian tribes immediately concerned are the "Des Chutes" and "Waseves," some 700 or 800 souls; the "Nez Perces," numbering about 2,500; the "Cayuses" and adjuncts, about 300; the "Snakes," composed of the Bannacks, the Shoshones, and Root Diggers, say 3,000; the Shastas, the Unatillas, the Tic, and some others, number unknown, say in all about 1,300 warriors.

If any country in the world has ever merited the title of "Indian country" *this is it;* and yet by legislative enactment this has been erected into Wasco county of Oregon Territory, the largest county ever known, and civil officers appointed where there are but few white citizens, some thirty-five perhaps in all, who claim their right to locate their "donations" where they please (and often irrespective of Indian rights) by an act of Congress making donations to settlers in the Territory of Oregon.—(See sections 4 and 5 of the act creating the office of surveyor general and for other purposes, approved September 27, 1850.) This, with a decision of the Supreme Court, sets aside the *intercourse law*, and bars our right to purge the land of incendiaries who set themselves down among the Indians to commit all crimes with impunity, even murder, with only Indian testimony against them to bring *them to* justice, which is not available in law.

Many of the squatters are good citizens, but this is not the case with all, far from it, and my predecessor (Major Alvord) having made representations, (referred,) also the superintendent of Indian affairs, whose business mainly it is, having previously done the same, I have been slow to move in the matter until "forbearance ceases to be a virtue," and prompt action is required, doing justice to all, to prevent an Indian war with the Indian tribes combined, between the Cascade and Rocky Mountains.

Though these Indians are very uneasy, yet there is no immediate cause of alarm; still the necessity for prompt action exists, as may be seen from the following facts, similar to those which gave rise to the Rogue river war. Life for life is the Indian rule, and soon some innocent persons among the whites may suffer for the acts of the guilty.

Within a short period there have been five men killed, viz., two by the Indians of their own people—cause: spirituous liquor introduced clandestinely, (though Judge Olney, of Oregon, is said to have stated in open court that there is no law to restrain such sales, and the legislature is now making one.) One, a Frenchman, name unknown, in about thirty miles distance, murdered by an Indian. One, an Indian, murdered by a white man, whom I had in confinement to be turned over to civil power, to be released at the Cascades on account of some informality in the action of the magistrate committing, as informed. And still a recent case of another Indian killed by a white man, whom we have now in prison in the guard-house, and who surrendered himself probably for protection from the infuriated tribe which followed him to this post.

The Indians have been pacified by being promised justice in every case, which I regret to say has not been accomplished; which state of things under legislative enactments we cannot alter, and which the citizens themselves, as soon as their civil officers are properly qualified, with an eye to their own safety, will find it equally impossible under the law, or without further legislation.

The object of this communication is to awaken attention to the state of things on this frontier; to find its way (with the approbation of my superiors) before the Committee on Indian Affairs in Congress, for them, in their wisdom, to devise some means for retributive justice in this country of Indians, and among other tribes concerned, securing to each the land on which his lodge stands, and the soil which his squaw cultivates, and defining the rights of the white settler for his better security.

Never a cent has been known to be appropriated for the benefit or improvement of these tribes, yet they are peaceably disposed, if undisturbed.

We are deficient at this post in our proper number of soldiers to fill up the two companies, 106 men, and a company of mounted men is much required.

All of which is most respectfully submitted by your obedient servant,

G. J. RAINS,

Major 4th Infantry, commanding post and troops on this frontier.

Major E. D. TOWNSEND,

Assist. Adj. Gen. Depart. of the Pacific, San Francisco, Cal.

FORT LANE, O. T., *January* 31, 1854.

COLONEL: I have the honor to report that on Sunday, the 22d, Lieut. Crook, accompanied by D. Sorrel, arrived at this post, having been sent by Captain Judah for the mountain howitzer, and informed us of a difficulty between the inhabitants of Cottonwood and the Indians, supposed to be in considerable force in that vicinity. On the morning of the 23d I left this post, taking with me Lieutenant Ogle, a detachment of fifteen men, and the howitzer, and arrived on the third day at Captain Judah's camp on the Klamath, some five miles below the cave where it was reported the Indians were fortified. I found that Captain Judah had been to the cave with his company and a party of volunteers to reconnoitre, and had returned to his camp to await the arrival of the howitzer. Here I found two companies of organized besides many independent volunteers, numbering in all about fifty men at camp, and also before joining Captain Judah I received from reliable persons important information in relation to the origin of the difficulty. I was convinced that the whites (miners) were the aggressors, and very much to blame for their unprovoked attack upon the Indians. The first attack was made by a party of men, organized in Cottonwood, who styled themselves the Squaw Hunters, whose avowed purpose was to get squaws, by force, if necessary, headed by a man who was one of Ben Wright's party at the time he attempted to poison the Murdoc Indians, and others of his stamp. During the first attack at the cave the chief Bill was encamped, with his immediate family, some ten miles above, on the river, and he absent in Yreka, but, fearing another attack he collected his little band together at the cave and prepared to defend themselves against a similar outrage. In this first attack the whites killed seven Indians (three men, one of them a brother of the chief, who was approaching the cave unconscious of danger, with a deer upon his back, two squaws and three children) without resistance on the part of the Indians. After the entrance of the cave had been barricaded the whites immediately spread the report that the Indians had collected a strong force at the cave for the purpose of war and plunder. A party of 28 men then went out under pretence of getting some stock they said the Indians had stolen, a mere rumor, and, in a fair fight, the Indians defeated them, killing four of their party; one Indian killed.

With this information, I left for the cave on the morning of the 26th, (preceded by Captain Greiger and 17 men, who volunteered to take post on the top of the cave,) with 20 men of Captain Judah's company, and 13 dragoons, with the howitzer, and some 30 volunteers, leaving Captain Judah sick in camp with a guard of eight regulars and some volunteers. The cave is in the side of a perpendicular rock or palisade of mountain, about 300 feet above the valley, the ascent to which is steep, and the approach directly in front, so that 25 men, with the barricade, could defend it against a charge of 100. The barricade is on the inside, and an excellent one, and had I attempted to charge it, it would have been done by the regulars altogether at a great sacrifice of life. After making a proper disposition of the volunteers and *Lieutenant* Bonnycastle with his company in front of the cave, the *cannon* was placed on the only eligible position, and several shells

fired. This gun was then advanced, but the elevation being so great that a trench had to be dug to lower the trail, two shells only entered the mouth of the cave, but did no damage, as I afterwards ascertained, owing to the peculiar shape of the arch of the entrance. The Indians were anxious for a talk, and had it not been for the clamorous portion of the volunteers, the difficulty would have been settled without firing the second shot. We encamped that night in front of the cave, and Bill sent three squaws to my camp, under the protection of the interpreter, to ask me to have a talk. Early next morning, I went up to the cave, accompanied by a citizen, Mr. Eddy, residing in that vicinity, and heard what the chief had to say; all of which corroborated previous information, and, in addition, his great desire to be at peace with the whites. He said he had been living on friendly terms with the whites, both in Yreke and Cottonwood, but had left the latter place on account of the ill-treatment of his women. I found only the small band of Shastas in the cave, numbering in all not over fifty, and one boy on a visit from some other tribe. They had previously occupied caves higher up the river, but this, being more commodious, furnished them comfortable and secure winter quarters. I directed the chief to remain in the cave for the present, feeling assured that the ill-disposed portion of the community would massacre indiscriminately men, women, and children if brought out.

What justice can be expected of a community that will furnish poison and approve of its being administered wholesale to the Indians? Just such characters were the instigators of this affair.

The volunteers collected all the Indian ponies (12) and brought away nine (maliciously shot one) contrary to my wishes. I regret to have to report the death of Captain Greiger; he was shot while in the act of looking over into the cave from his position on top, a rash act that he had but a few minutes previous cautioned his men against. He was an estimable man and universally beloved. After informing the volunteers of the result of the talk we marched back to Captain Judah's camp on the afternoon of the 27th. The volunteers continued on to their homes. I directed Captain Judah to return with his company to Fort Jones, and early in the morning of the 28th I set out with my detachment and howitzer for this post, which we reached yesterday afternoon.

The ground was covered with snow, and the weather intensely cold. Thermometer ten (10) degrees below zero three days before we left, during which time Captain Judah was in camp on the Klamath. I cannot speak too highly of the energy and activity of the officers and soldiers concerned.

Very respectfully, your obedient servant,

A. J. SMITH,
Captain First Dragoons.

Colonel G. WRIGHT,
Commanding N. Dist. of Cal., Fort Reading, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 15, 1854.

SIR: Since my communication of the 28th ultimo, a material change has occurred in relation to the fillibustering expedition of Colonel Walker. By the arrest of Watkins and others, his recruiting rendezvous has been broken up, and the men engaged dispersed; consequently, no aid has been rendered to Walker since my arrival in the country.

Captain Dornin, commanding the United States ship Portsmouth, a very active and efficient officer, reports Walker's party reduced by desertion, or other causes, to less than 100 men, and greatly in want of supplies. He thinks the expedition at an end, and that Walker will soon be compelled to leave the country.

Yesterday the Columbus, employed by the government, arrived from San Diego, bringing prisoners Frederick Emory, Walker's secretary of state, and several others. They have been held to bail for trial.

I am, sir, very respectfully your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adjutant General, United States Army,
City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 15, 1854.

SIR: I have the honor to request that the allowances made to two soldiers, as clerks, at these headquarters, may be extended to the orderly, for the reason that the Presidio is so far distant, that the orderly cannot live there and attend to his duties in town, even though he be mounted, which is not now the case. The allowances are:

Commutation of fuel and quarters per month, per Adjutant General's letter of August 24, 1852	$10 00
Commutation of whisky ration per day	03
Commutation of rations per day, per Adjutant General's letter of June 19, 1852	75
Extra pay per day, per general order No. 22, of 1852	15

This allowance is not more than sufficient for a soldier to live in this city with strict economy.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

P. S. The services of an orderly at these headquarters are indispensable.

JOHN E. WOOL,
Major General.

Colonel S. COOPER, *Adjutant General,*
Washington city.

ADJUTANT GENERAL'S OFFICE,
Washington, March 16, 1854.

GENERAL: The letter of Brevet Major *C. H. Lainard*, captain 4th infantry, of December 1, 1853, recommending that the ration of fresh beef be increased to a pound and a half, at the post under his command, from December 1, to May 1, has been submitted to the Secretary of War, and the following is the decision thereon.

"It is not deemed advisable to adopt the proposed change in the component parts of the ration, it being held preferable to exact of contractors good beef, or where that is not possible, to require them to submit to a tare which will compensate for the excess of bone.

"JEFF'N DAVIS,
"*Secretary of War.*

"MARCH 11, 1854."

I am, sir, very respectfully, your obedient servant,
S. COOPER, *Adj't Gen.*

Bvt. Maj. Gen. J. E. WOOL, *United States Army,*
Com. Dep. of the Pacific, San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 27, 1854.

SIR: I have the honor to acknowledge the receipt of general orders numbers two and three, special orders from 18 to 25, and claim of George C. Bates, esq., for defending a suit against Lieutenant Arnold, 3d artillery.

Lieutenant Arnold is now absent on service connected with the survey of a railroad route under Governor Stevens, of Washington Territory. On his return the required report will be made in his case.

I am, sir, very respectfully, your obedient servant,
JNO. E. WOOL,
Major General.

Colonel S. COOPER, *Adj. Gen. United States Army,*
City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, March 27, 1854.

SIR: To enable me to check a supposed fillibustering expedition, fitting out in this city for Guyamas, I found it necessary to request Lieutenant Commanding James Alden, of the navy, to report to me with his steamer, the Active, employed upon the coast survey, and on the 20th instant I gave orders to Brevet Captain Stone, commanding Benicia arsenal, to issue to *Lieutenant* Alden for this service such arms and *ammunition as might be necessary.* The issue would, of course, be

of limited extent, and I request the approval of the honorable Secretary of War to the order.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER, *Adjutant General,*
City of Washington.

HEADQUARTERS PACIFIC DEPARTMENT,
San Francisco, March 31, 1854.

SIR: At the request of the officers of the staff near my headquarters, I am induced to transmit the enclosed communication and certificates of some of the most respectable citizens in San Francisco, showing that the allowance of fuel and quarters are insufficient to meet the expenses incidental thereto.

The expense of living in any part of California, as compared with the expense in the Atlantic States, is enormous; few of the officers can live on their pay and emoluments. A number of those present have property, the interest or rents accruing therefrom, with their pay and emoluments, will enable them to live without getting in debt.

The smallest cottage, with two or three rooms, in the outskirts of the city, cannot be rented short of 75 to 100 dollars per month. A room in any agreeable part of the city, or anywhere near the business part, brings from 75 to 200 dollars per month, payable in advance, the price depending on size and location, whether on the front, second, or third story. Board is from $25 to $50 per week, the price depending on location and size of bed-room. Servants cannot be had for less than $50 to $100 per month, besides board. Cooks get from $75 to $100. Female servants get from $60 to $120 per month; this is owing to the scarcity of women. A common laborer in the city gets from $4 to $5 per day. A mechanic from $8 to $10 per day.

To keep a horse at the livery stable it costs $50 per month; two, $100 per month. A coachman $75, besides board. A carriage for an hour is $5; for a day, from $15 to $30, the price depending on the quality of carriage and horses. A house like the one occupied by the Quartermaster General, Paymaster General, Colonel Abert, and Doctor Lawson, would bring $500 per month, payable in advance. I can procure no house I would occupy short of $250 per month, payable in advance. The best houses bring from $700 to $1,000 per month, payable in advance. Almost everything is in the same proportion.

In conclusion. I have presented the above facts to show that no officer can live decently on his pay and emoluments, without running in debt, in California.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

SAN FRANCISCO, CALIFORNIA, *March* 31, 1854.

GENERAL: The undersigned, officers of the army stationed in San Francisco, respectfully represent to you, that the present rate for commutation of fuel and quarters is entirely inadequate to provide suitable and proper rooms for their occupancy, and the fuel necessary to warm them. They beg to enclose statements from some of the principal men in San Francisco, property owners, agents, and merchants, among them such men as Mayor Garrison, Samuel Brannan, (the wealthiest resident here;) the principal bankers Messrs. Page, Bacon & Co.; Lucas, Turner & Co.; Burgoyne & Co.; Palmer, Cook & Co.; Wells, Fargo & Co., and others, in support of this representation, and in testimony of the great expense of living here. Other statements, with regard to the expense of living, are also enclosed. It is hardly necessary to say, that statements to the same effect, from hosts of respectable citizens, could have been obtained, as the facts are too well known to be questioned.

The undersigned feel oppressively the burden of the times, and view it especially grievous, that in a country where servants wages are from $50 to $100 monthly, livery charges for a single horse $50 per month, washing $3 per dozen, and board and clothing from double to quadruple what it is in the eastern States, that they should be compelled to receive an allowance, in lieu of quarters and fuel, so far below what are the current rates in this country. Some of the undersigned have families, and to support them, at the present rate of pay and emoluments and commutation in California, is an impossibility; these are compelled to go behind, monthly, one-third of the amount they receive.

The undersigned, therefore, appeal to you, that you may be pleased to take such steps as your judgment may deem proper to obtain an increase of our pay and allowances, and at least, and at once, an increase of our commutation for quarters to $50 per room, and $25 per cord for fuel.

We have the honor to be, very respectfully, your obedient servants,

CHARLES S. TRIPLER,
Surgeon U. S. Army, Medical director department of the Pacific.
E. D. TOWNSEND,
Assistant Adjutant General.
T. MOORE,
First Lieutenant 2d infantry, A. D. C.
JAMES A. HARDIE,
First Lieutenant 3d artillery, A. D. C.
Z. B. TOWER,
Brevet Major of Engineers.
A. B. EATON,
Brevet Major and Colonel Ordnance, U. S. A.
J. McKINSTRY,
Brevet Major, U. S. Army.
HIRAM LEONARD,
Major and Chief Paymaster department of Pacific.

I fully concur in the views set forth, except the amount paid for fuel.

O. CROSS, *Major and Quartermaster.*

Major *General J. E. Wool, U. S. A.*,
Commanding the department of the Pacific.

MARCH 31, 1854.

The undersigned, residents of San Francisco, are of the opinion that respectable and proper rooms, in decent and genteel portions of the city, cannot be procured short of the rate of $50 per month for each room of two hundred and twenty-five square feet; and that cut wood cannot usually be delivered at our residences short of $25 per cord; and that servants, for house purposes, cannot be obtained usually short of $50 per month; and in most cases the compensation exceeds that sum.

PAGE, BACON, & CO.,
LUCAS, TURNER, & CO.,
WM. T. SHERMAN,
BURGOYNE & CO.,
PALMER, COOK, & CO.,
WELLS, FARGO, & CO.

—

Statement of keeping horses and carriage at livery—lowest rates.

SAN FRANCISCO, CALIFORNIA,
March 25, 1854.

Each horse, fifty dollars per month; keeping carriage in order and furnishing coachman, one hundred and fifty dollars per month; total, two hundred and fifty dollars per month.

J. R. MAYER.

—

SAN FRANCISCO, *March* 20, 1854.

The price of first class single rooms unfurnished, fifteen feet square, is from fifty to seventy-five dollars per month. Second class, or third-story, from twenty-five to fifty dollars per month. Suites from two to three rooms, according to situation, from one hundred to two hundred dollars per month, and in almost every case the rent is paid in advance.

THEODORE PAYNE & CO.

—

SAN FRANCISCO, CALIFORNIA,
March 25, 1854.

Mr. ———, To P. HUNT,
Corner of Kearney and Sacramento streets, DR.

To keeping one pair horses one month	$100 00
To keeping a single horse	50 00
To shoeing, per sett	5 00
To servant, or coachman	75 00
To boarding servant per month	40 00

I hereby certify that the above are rates I charge as specified.

P. HUNT.

The price of first class rooms in Brannan Building, on Montgomery street, unfurnished, from fifteen to sixteen feet square, (second story,) suites of two rooms $150 per month. Suites of two rooms on third floor $100 per month; fourth floor $75 per month.

SAMUEL BRANNAN.

—

SAN FRANCISCO, CALIFORNIA,
March 22, 1854.

Upon request I state that the rents of rooms, as far as lies within my observation, for rooms in respectable and accessible portions of the city, average seventy-five dollars per month; that the cost of fuel is twenty-five dollars per month; and that necessary expenses generally are about four hundred per cent. above what they are in the eastern sections of the United States.

C. K. GARRISON,
Mayor of the city of San Francisco.

—

SAN FRANCISCO, CALIFORNIA,
March 25, 1854.

The price of first class single rooms, unfurnished, fifteen to sixteen feet square, from $50 to $75 per month; second class, or third story rooms, same size, $30 to $50 per month; suites of from two to three rooms, according to the situation, $100 to $200 per month.

L. H. SLOAT.

—

SAN FRANCISCO, CALIFORNIA,
March 30, 1854.

The price of first class single rooms, unfurnished, from fifteen to sixteen feet square, $60 to $100 per month, according to situation; second class, or third story rooms, from $50 to $75 per month, according to situation; suites of rooms, from two to three, $150 to $250 per month.

HALLECK, PEACHY, BILLINGS & PARK,
Owners of Montgomery Block.

—

SAN FRANCISCO, CALIFORNIA,
March 25, 1854.

Mr. ———,	To PORTER & FLENNER,	DR.
To keeping one pair horses one month		$100 00
To keeping a single horse		50 00
To shoeing, per sett		5 00
To servant, or coachman		75 00
To boarding servant per month		40 00

We hereby certify that the above are the rates we charge as specified.

PORTER & FLENNER,
per Terry.

SAN FRANCISCO, CALIFORNIA,
March 30, 1854.

The going rates of rent for unfurnished rooms in this city are as follows:

First class single rooms, say 15 feet square, in good brick fire-proof buildings, from $50 to $75 per month; second class, or third story rooms, same size, $30 to $50. Suites of two or three rooms, according to situation, $100 to $200 per month.

P. W. VANWINKLE,
Agent for Captain Folsom's property in San Francisco.

SAN FRANCISCO, CALIFORNIA,
March 30, 1854.

The going rates of rents for unfurnished rooms in this city are as follows:

First class single rooms, say 15 feet square, in good brick fire-proof buildings, $50 to $75 per month; second class, or third story rooms, same size, $30 to $50. Suites of two or three rooms, according to situation, $100 to $200 per month.

A. A. SELOVER and
R. H. LINTON,
Property agents.

SAN FRANCISCO, CALIFORNIA,
March 31, 1854.

MY DEAR GENERAL: I have this day transmitted, through the Adjutant General's office, a communication with certificates from the officers of the staff near my headquarters. The certificates are from the most respectable citizens in this place, showing the price of rents, servants, fuel, and keeping of horses, &c. I assure you no officer can live decently on his pay in California; everything almost is regulated by interest, from three to ten per cent. per month, and the amount per day each man can get in the gold region, which varies from five to fifteen dollars per day, and some more. Rents are enormous and servants cannot be had for less than $50 to $120 per month, besides board. Female servants get from $60 to $120 per month; this is owing to the scarcity of women. Board is from $25 to $50 per week, the price depending on the size and location of the bed room; a horse to ride costs from $5 to $10 per day; a carriage and horses $5 per hour, for the day from $15 to $30 per day, the price depending on the quality of the carriage and horses.

A house like the one you occupy, Colonel Abert, the Paymaster General, or Doctor Lawson, would bring in San Francisco $500 a month, payable in advance. I can procure no house in this city that *I would* live in for less than $250 a month; all rents are payable *monthly*, and in advance.

I have presented these facts in order that you may know how difficult it is for officers who have nothing beyond their pay to depend on, to get along in California without getting in debt. It ought not to be so. The commutation for fuel and quarters ought to be increased.

I am, very truly, yours,

JOHN E. WOOL,
Major General.

Major General THOMAS S. JESUP,
Quartermaster General, Washington city.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 31, 1854.

SIR: Lieutenant Commanding James Alden, United States navy, has informed me that the funds at his disposal having been exhausted, he will be obliged, under instructions from the superintendent of the coast survey, to lay up the steamer Active, but that at an expense of "$4,000 per month to the end of the fiscal year, or till advices could be received from Washington, (he) could carry on the work at the entrance of the harbor, and at the same time be ready for any service that the government might require."

Captain Alden has rendered me essential aid in thwarting the schemes of the fillibusters, and I shall have much need of his vessel for the public service. I have, therefore, proposed to him to come under my orders until counter-orders are received from Washington, upon condition of my furnishing him funds, not to exceed $4,000 per month, from the quartermaster's department—to which plan he has assented. I beg leave to ask for this arrangement the approval of the honorable Secretary of War, and the concurrence of the superintendent of the coast survey.

I shall write to Captain Dornin to dispense with the steamer Columbus, chartered by the government at an expense of nearly $2,000 per day, and, if necessary, send down the Active to replace her. It will be seen that by this arrangement some $50,000 will be saved to the government. All which, I trust, will be approved.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adj. Gen. United States Army, Washington City.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 31, 1854.

SIR: In my communication of the 15th instant, on the subject of the fillibustering movements in this city, I alluded to the arrest of Watkins, the second in command to Walker, who was engaged in raising recruits here. I had information that the notorious Count Raousset de

Boulbon was actively co-operating with Watkins, and that he had Frenchmen and Germans engaged, with whom it was supposed he intended to join Walker either in Lower California or Sonora. After the arrest of Watkins, on my giving out that I would procure Raousset's arrest, I was told by the French consul, Mons. Dillon, that Raousset had promised him to abandon the schemes of the expeditionists, and had actually left town for Santa Barbara.

A few days after I discovered that the Mexican consul, Don Luis Del Valle, was raising men—Frenchmen, Germans, &c., excluding Americans, to go to Guaymas. I called on him and inquired the object, when he informed me that he had instructions from President Santa Anna to procure a thousand men, and to include in the number as many Frenchmen of Count Raousset de Boulbon's party as he could detach from the count to settle at Sonora and do fealty to the government, for which lands would be given them. I asked him if he was aware of the character of the men he was about to engage? He replied that he thought they could be relied on, as they would come recommended by the passports of the French consul, to whom he had written on the subject, and that he had chartered the ship Challenge to convey them to Guaymas.—(See enclosure A.) I informed him that I thought he had been deceived, and that the party would become a fillibustering one as soon as it landed in Sonora, and I had no doubt would be commanded by Count Raousset de Boulbon, who, as I believed, would relieve Walker from his perilous condition. At any rate, it was an ill-timed expedition, and whether intended for good or evil purposes, would give me a vast deal of trouble. If it was permitted to depart, as it was generally understood to be a fillibustering party, it would encourage others so inclined to follow, and instead of checking fillibustering against Mexico, it could not fail to promote it. Being satisfied of the truth of what I said, Senor Valle set about breaking the contract.

The various parties interested in the expedition called on me to induce me to withdraw my opposition, when I frankly stated to each and all of them, including the French and Mexican consuls, my suspicions that the "emigrants" would be transformed into fillibusters as soon as they arrived upon Mexican soil, and, as I believed, would be commanded by Count Raousset de Boulbon.

In his letter, (enclosure B,) Mons. Dillon disclaims any participation with Boulbon, or with any person in fillibustering operations; and in my reply, (enclosure C,) I detailed the grounds of my suspicions that he was interested in the matter. Some of the grounds of my suspicions are also exhibited in enclosures D, E, F.

The Captain Peters mentioned in D and E was to have commanded a ship called the Republic, avowedly engaged to transport the party under Watkins, and it will be seen in the affidavit of Mr. Horn (enclosure G) that the Spaniard, Cordova, who gave the people of Lower California to understand that a party of Frenchmen would soon arrive to aid them in expelling Walker, was, in fact, in close league with Walker; which goes to show that Walker was expecting a reinforcement of Frenchmen. This fact is corroborated by the affidavit, which *has been* mislaid, of a man named Ryan, who was of Walker's party *in Lower* California, and who states that it was notorious among Walk-

er's men. Cordova was released from arrest, after being brought here with Emory as a prisoner, because he was not an American citizen, or a resident of the United States.

In compliance with my request to the collector, (enclosure H,) a clearance was withheld from the ship Challenge, for a few days, until more information could be obtained in regard to the objects of the passengers to be conveyed in her. The Mexican consul, in reply to my enquiries concerning those passengers, (enclosure I,) expressed his conviction of the existence of "terrible plots" against his country, (enclosure K,) yet in his letter (enclosure L) he excuses himself from calling upon me to exhibit the instructions of his government, and has constantly avoided showing them to me, though pressed to do so, and though he has exhibited them to others, (enclosure F.) He, however, in the same letter, (enclosure L,) speaks of a charter of passage for some "emigrants," which does not exactly tally with the letter and its enclosure, No. 2 of Mons. Dillon, (enclosure M,) where it appears that these "emigrants" are to go under a regular *enlistment* as soldiers. This also appears in the affidavit of Mons. Cavailler, as to the Mexican consul's instructions from his government, (enclosure F.)

Finding that this so called emigration project, if not intended to be turned into a fillibustering expedition, was at least a probable attempt to evade the laws against enlisting soldiers for a foreign power within our territory, and foreseeing that, whether the party did actually relieve Walker or not, it would give an impulse to our own fillibustering population unless it could be detained until information was received that Walker's party was effectually broken up, I threw every obstacle in the way of the ship's sailing, and having procured the co-operation of the United States surveying steamer Active, under Lieutenant Commanding James Alden, United States navy, and of the steamer Columbus of Captain Dornin's command, under Lieutenant Commanding W. H. Ball, who happened to be in port for supplies, I desired them to take, under the collector's instructions, positions near the Challenge to aid the cutter in preventing the violation of the revenue laws as to number and character of passengers, and freight taken on board of her. The delay thus produced was occupied in frequent communications with the French and Mexican consuls, and in endeavoring to unmask their real designs. Enclosures N, O, P, Q, R, will show the measures and precautions taken by me for this end.

Certain transactions of Senor del Valle, connected with this matter, have come to my knowledge, which have caused much excitement against him among the French population. The following "proposition," by which he was to put in his own pocket about $12,000, was furnished me by Mons. Chauviteau, one of the persons with whom he contracted to transport the "emigrants." "That Mons. Chauviteau receive $35 for each passenger;" that Senor Valle receive $3 each, cash in this city when the passengers sail, and $4 each, "payable in this city at the order of the bearer, or whoever may be designated, on the day that notice may be received of the acceptance of the draft by the Mexican government;" making $42 each passenger to be paid by the Mexican government to the contractors, of which Senor Valle should receive from them $7. *In addition to this there* was an obligation on the part of "M.

Chauviteau to buy, (of Senor Valle,) in the state in which it may be found, 1,000 quintals of Peruvian rice, at 4½ cents per pound, (the market price being 3 cents,) payable one half on the 14th of March, and the other on the 14th of June." I understand that it was found the rice would not be needed, but that $1,500 was paid Senor Valle to fulfil the agreement. Upon invitation of the parties concerned in the Challenge, I sent two officers to examine her, and finding, upon their report, that there was no appearance of unfair dealing, I made no opposition to her sailing, (see enclosure S,) which, having obtained her clearance, she did the 29th instant. She was, however, boarded by a revenue officer in the bay, and ordered back for a violation of the revenue laws. It will be seen by the enclosed slip, from the Extra Herald of this date, that she has been libelled, though I understand that, on her owners giving bonds, she may be allowed to proceed. The French consul, on hearing of the detention of the vessel, addressed me the letter (enclosure T) to which I made the reply (enclosure U) and received his answer, (enclosure V.) The slip from the Herald also announces the arrest of the Mexican consul, made in consequence of my request to the district attorney, (enclosure W.)

The result has been, that all the parties to the original scheme are mutually dissatisfied with each other, and the military expedition intended by Senor Valle is, I believe, effectually stopped, except, perhaps, as to some small number of individuals who may succeed in making their way to the south without open violation of any laws.

With Captain Dorning, the naval commander on the coast of Lower California, I have continued to correspond, as shown by enclosures E, H, Y. My latest advices from him are of March 20, in which he says: "The last news from Walker, just brought in by several deserters from his camp, is that he having sent 15 men to Quentin on hearing that two vessels were there, he supposing with supplies for him, (which, in fact, were our two vessels,) and afterwards eight more in pursuit of Melendez, not one of whom had at last accounts rejoined him, induced him to pack up and march off to the Colorado with only 90 souls in all." Newspaper accounts derived from a deserter from the party, state that Walker is waiting to break in some horses in order to mount his command, when he intends to push for the province of Sonora, and that the inhabitants are flying to avoid furnishing him with provisions. It would seem his desperate resolution is hastening him to destruction.

Watkins has been convicted, but is not yet sentenced. Emory is soon to be tried, and the evidence against him is still stronger than in Watkins' case. These facts, with the breaking up of the French party, will, I trust, put an end to fillibustering on this coast.

In conclusion, it is due to myself, as well as my staff, who have all been vigilant and active, and especially Major McKinstry, to say that it has given me a great deal of trouble to ferret out and defeat this nefarious scheme of the Mexican consul and his coadjutors.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL.
Major General.

Lieut. Col. L. Thomas, Assist. Adjutant General,
Headquarters army, New York city, N. Y.

Endorsed.—Interesting. Respectfully submitted to the Secretary of ar.

WINFIELD SCOTT.

April 26, 1854.

[Extra.—Friday, March 31, 2, p. m.]

rest of the Mexican consul!—Startling developements!—The whole plot discovered!—Secret instructions from Santa Anna.

At half-past one o'clock to-day, the United States marshal proceeded the consular residence of M. Luis del Valle, consul for the Republic Mexico at this port, and arrested that gentleman for violation of the ws of the United States, by enlisting men within the territory of the ited States into the service of a foreign government.

The offence with which the Mexican consul is charged is punishable der the second section of the act of Congress of April 20, 1818, ich reads as follows:

Section 2. If any person shall, within the territory or jurisdiction of United States, enlist or enter himself, or hire or retainan other per- to enlist or enter himself, or to go beyond the limits or jurisdiction the United States with intent to be enlisted or entered in the service any foreign prince, State, colony, district or people, as a soldier, narine, or seaman on board of any vessel of war, letter of marque or vateer, every person so offending shall be deemed guilty of a high sdemeanor, and be fined not exceeding one thousand dollars, and prisoned not exceeding three years. This act does not extend to the bject or citizen of any foreign prince, State, colony, district or peo- , who shall transiently be within the United States, and shall, on ard of any vessel of war, letter of marque or privateer, which at the e of its arrival in the United States was fitted and equipped as such, list or enter himself, or hire or retain another subject or citizen of the ne foreign prince, State, colony, district or people, who is transiently thin the United States, to enlist or enter himself to serve such foreign nce, State, colony, district or people, on board such vessel of war, ter of marque or privateer, if the United States shall then be at peace th such foreign prince, State, colony, district or people.

It is charged against the consul that, in obedience to certain instruc- ns, purporting to have come from the government of Mexico, he has en engaged in enlisting in this port a band of three thousand men, o were to proceed to Guaymas, there to be enrolled into the Mexi- n army. The advance of this force was to have sailed on board the allenge. The ship, however, was detained by order of the collec- of the port for a violation of the revenue laws of the United States. We understand there is abundant proof of the enlistment of these n as soldiers, and of the issuing of commissions to officers. This oof consists, besides other things, of the depositions of two gentle- n of the highest respectability in this city. The public will see m these facts that we have not hitherto spoken unadvisedly concern- g the numbers *and the object of this* expedition.

The instructions from the Mexican government to the consul at this port were as follows: To send down to Guaymas about 3,000 men, to be enlisted into the Mexican army for one year. The cost of transportation to be defrayed by drafts drawn by the Mexican consul on the national treasury at Mexico. The force to be composed of Germans, Irish, Italians, and French—the latter to be preferred. Mexican citizens to be counselled to leave California, and ships to be employed by the consul for that purpose. Such is a brief abstract of the instructions.

THE SHIP CHALLENGE LIBELLED.

In the United States District Court.

The United States *versus* the ship Challenge. The United States district attorney has filed a libel against the British ship Challenge on the following grounds:

Firstly. That heretofore on the 29th of March, 1854, the said vessel Challenge, owned in whole or in part by persons supposed to be British subjects, whose names are to the said district attorney unknown, whereof William Stokes was the master at the port of San Francisco, &c., &c., and within the jurisdiction of this court, was seized by Richard T. Hammond, collector, &c., as forfeited to the said United States for the causes hereinafter mentioned.

Secondly. That the said ship, on the day aforesaid, took on board five hundred and twenty-five passengers—a greater number of passengers in proportion to the accommodation of the vessel than is allowed by the acts of Congress of 1847 and 1849, with intent to carry the said passengers to a foreign port, to wit, the port of Guaymas, in the republic of Mexico, whereby the said master became liable to pay fifty dollars for each passenger over the above proportion, and to imprisonment for any term not exceeding one year, the aggregate sum of said amount being equal to eleven thousand five hundred dollars.

Thirdly. And that the said vessel had more than two tiers of berths, contrary to the said acts, whereby the said master became liable to a forfeiture of twenty-six hundred and forty dollars, being five dollars for each of such passengers as aforesaid.

Fourthly. That said vessel "had not interval between the floor of the lower tier of berths and the deck or platform beneath, at least six inches," pursuant to the provisions of said act of Congress, whereby the master forfeited the sum of twenty-six hundred and forty dollars.

Fifthly. For the payment of said several sums of money the said ship Challenge became liable, wherefore all due process and proceedings are prayed for "that the said ship, her boats, tackel, apparel, and furniture, for the causes aforesaid and others appearing, may be forfeited to the United States as aforesaid, and be condemned by the definitive sentence and decree of this honorable court, and to the uses in said statute specified."

Upon the filing of this libel process was issued, and the vessel has been seized by the United States marshal.

A.

[Translation.]

'act between Luis M. Del Valle, Mexican consul in San Francisco, duly thorized by his government in accordance with the annexed extract of the tructions which he has to this end, on the first part, and Edward Ca-ller and Hector Chauviteau, on the second part, with the object of trans-rting emigrants to Guaymas, with the following clauses and conditions:

ARTICLE 1. Luis Del Valle, Mexican consul, will obtain, from this ie 20th of the present month, about one thousand men; and Messrs. iller and Chauviteau will embark them for the port of Guaymas, iding at the same time for their maintenance aboard, which shall ist as follows:

reakfast, at eight o'clock, to be composed of coffee, hard bread, and w of potatoes and meat.

inner, at one o'clock, to be composed of a broth of rice or beans, t, and hard bread.

upper, at six o'clock, to be composed of tea, hard bread, and beans.

RTICLE 2. The price of passage of each man is ($42) forty-two dol- which shall be paid to Messrs. Edward Cavailler and Hector uviteau, in drafts at fifteen days' sight, by the Mexican consul upon government, payable in Mexico.

RTICLE 3. In case of non-fulfilment, and that the drafts be not ac-ed upon their presentation, or paid at their maturity, they will be nented by an indemnity of ten thousand dollars ($10,000;) which unt, added to the total of the drafts, shall bear as the last a monthly est of three per cent. until the whole be paid.

RTICLE 4. If, before the 20th of the month, the consul should pre- all the passengers, Messrs. Cavailler and Chauviteau may trans- them immediately; if, on the contrary, one of the contracting par- should delay the other party after the 20th of the month, he will ect himself to pay an indemnity of $100 per day as demurrage.

he present contract has been made in sextuple, of which triplicates for the Mexican consul, and triplicates for Messrs. Cavailler and uviteau. The preceding contract is a copy corrected from the con- t we had concluded on the 4th of this month, and which document been annulled and replaced by the present one in the Spanish lan- ge; it being distinctly understood that this contract, with its copies, at which has full value, and the first is annulled.

LUIS DEL VALLE.
EDWARD CAVAILLER.
H. CHAUVITEAU.

Vitness: N. P. LEWELLEN.
Vitness: NICHOLAS LARIO.

[Seal of the Mexican consulate.]

AN FRANCISCO, *March* 4, 1854.

Paragraph 8, of the note of the minister of State, (Relaciones,) of the h of February of the present year:

And if in this *port there should not* be obtained sufficient capacity of

vessels which may be necessary for the end referred to, you will so inform the authorities of some of our ports on the Pacific, in order that they may cause some of our national vessels to be engaged in this; advising by every opportunity this office.

DEL VALLE.

B.

MINISTERE DES AFFAIRES ETRANGERES,
Consulat de France, à San Francisco, March 18, 1854.

SIR: When you did me the honor to call on me a few days ago, you stated that you were resolved to put down all fillibustering attempts that might be organized within this State against Mexico. You added, that as far as that supposed to be in process of formation under Count de Raousset Boulbon was concerned, you would stop it at once by arresting its leader.

I remarked to you, in reply, that you might rely on any co-operation I could afford, and that I had the most postive orders, both from the government at Paris and the legation of France at Washington, to notify to all French subjects, residing within this State, that their embarking in any fillibustering scheme, either with Count de Raousset, or with others, would be viewed by them with the utmost displeasure as an act of open and barefaced piracy.

I further remarked, that Count de Raousset, with whom I had conversed on that subject, had informed me that in consequence of the official announcement made by me of the above fact, in the columns of the "Echo des Pacifique," (see the number here annexed,) he had made up his mind to abandon his plans, at least for the present, and would leave in the course of a few days for Santa Barbara.

Since the above conversation took place I have had the honor of an interview with you at the Oriental hotel, in the course of which you hinted that you had data of a nature to show that Count de Raousset contemplated carrying out his wild and wicked scheme forthwith, and that you were not without a misgiving that I was personally in league with him to facilitate that design.

In reference to the first statement, I have only to say that if you really have the data referred to, it becomes a duty for you to arrest Count de Raousset at once, as you originally intended, and that, far from objecting to such a step, I am most anxious for its adoption.

As to the second statement, according to which there exists a secret understanding between the individual referred to and myself, I call upon you for your authority for making it. My personal honor is a portion of the honor of my government and country, and I can allow no party, no matter how high his character or situation, to connect my name with projects which I abhor and which the instructions of my government require me to combat and oppose.

I have the honor to remain, with distinguished consideration,

Le Consul d'France,

DILLON.

Maj. Gen. JOHN E. WOOL.

C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 20, 1854.

SIR: I have received your communication, with enclosure, of the 18th instant, referring to conversations had with you relating to Count Raousset Boulbon and the expedition now fitting out in this port for Guaymas under the sanction of the Mexican consul, and, as he says, by authority derived from his government.

No other part of your communication appears to call for a reply, save that in which you say I "were not without a misgiving" that you were in league with Count Boulbon. I did not intend to convey the idea that you were in league with the count when I remarked that you, as well as the Mexican consul, were aiding in an expedition which, from information I had received, I could scarcely doubt was intended for fillibustering purposes, notwithstanding it would go under the sign manual of the Mexican government. Whilst you disclaimed emphatically against all fillibustering of every description, whether projected by Count Boulbon or others, you admitted that you had, at the request of the Mexican consul, signed many passports for Frenchmen who were to make part of the expedition to Guaymas, and that you had been an associate of Count Boulbon, and that he did not go to Santa Barbara, as he had promised you, but had remained in this city, and that you had seen him twice since my first conversation with you in relation to him. These facts having been made known to me previous to our last interview—that is, that you were granting passports to Frenchmen, and that you had seen the count and that, as reported to me, he would accompany the expedition—induced the belief that you were more than ordinarily interested in an expedition which I myself considered, from the information received, fraught with fillibustering intentions. The inferences and impressions naturally derived from the above state of facts were communicated to you in a spirit of frankness and candor, such as I conceive should characterise the intercourse of the governmental agents of two such powers as the United States and France. At our last interview I remarked that whether the expedition was gotten up for good or evil purposes, it was exceedingly ill-timed, and one that I thought might lead to serious consequences. It is, however, due to you to say that in your reply you remarked of this you know nothing, and in giving or granting passports to Frenchmen you were only acting in accordance with the wishes of the Mexican consul, whose instructions from his government you had seen, and which authorized him to engage foreigners, to wit: Frenchmen, Germans, &c., to emigrate to Sonora.

In conclusion, if the expedition is gotten up in violation of our neutrality laws, I am bound to accept your disclaimer of all co-operation, and which has removed the doubt I entertained and frankly made known to you.

Accept, consul, the assurances of the distinguished consideration with which I have the honor to be your obedient servant,

JOHN E. WOOL,
Major General.

The Consul of France, Mons. DILLON. *San Francisco.*

D.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 15, 1854.

SIR: I have this moment received your communication of this date. In reply, I would remark, since my communication to you in relation to the ship Challenge, I have seen Captain Merrill, who was to go in the ship under Captain Peters, when, as he informs me, that Peters was to leave the ship, and he, Merrill, was to take charge of the ship and proceed on her distant voyage. This Captain Merril has since been discharged because he was suspected of betraying the secrets of the ship. He says Count Raousset Boulbon has had several interviews with Captain Peters, and that 600 arms and powder are secreted somewhere in the neighborhood of Telegraph hill. The Mexican consul being satisfied that he has been deceived in the matter, promised me he would grant no more passports, having granted, as he informed me, but seven. The mayor has also refused passports.

I have no objection to the ship's clearance, provided she does not deceive you in relation to her cargo or passengers. I shall probably get information to-day or to-morrow, which will satisfy me of the caracter of the ship, and whether or not the men or passengers to be taken are intended for a fillibustering expedition.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL, *Major General.*

R. S. HAMMOND,
Collector of San Francisco.

E.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, March 15, 1854.

SIR: Your communication of the 9th instant, with inclosures, reporting the arrest of Emory and Cordova, and other matters relating to Walker's expedition has been received, and I beg you to accept my thanks for it.

Since my letter informing you of the arrest of Watkins, &c., I have ascertained that Raousset Boulbon, who had left the city, has returned; and the French consul having heard that the Mexican consul had received instructions from President Santa Anna to engage a party of emigrants to go to Sonora to settle the country with a view to its defense, proposed to him to receive the body of men formerly raised by Boulbon in conjunction with Watkins for that purpose. The Mexican consul, it seems, chartered the British ship Challenge, commanded by Captain Peters, to convey the party to Guaymas, but upon my representations of the suspicious circumstances attending the organization of the party, I am in hopes he will stop further proceedings in the matter. I may desire Captain Ball to remain here a few days, in case it should be necessary to pursue the Challenge with the Columbus,

to prevent a junction of Boulbon's party with Walker, or his landing with hostile intent at Guaymas. I have ascertained that arms, powder, and a small supply of lead have been provided for Boulbon's men, and can have little doubt of the object of his expedition.

I am, sir, very respectfully and truly, your obedient servant,

JOHN E. WOOL, *Major General.*

Captain J. A. DORNIN,
U. S. Navy, Commanding U. S. Ship Portsmouth,
via San Diego, California.

SAN FRANCISCO, *March* 27, 1854.

DEAR SIR: I am in receipt of your esteemed favor of this morning, to which I beg to answer that I remember to have said that I had seen the instructions of the Mexican consul on the occasion that I made a contract with him for the owner of the ship Challenge to transport one thousand passengers to Guaymas. I was beside the consul, in his office, when he read out to me from his instructions as follows, as near as I can remember, the substance:

That he had orders to send down to Guaymas about three thousand men, to be enlisted there in the Mexican army for one year, at the expiration of which they were to receive lands to settle, on condition that they should be ready at any time for military service against any foreign invasion. The pay of the soldiers and the rank and emolument of the officers was to be the same as those of equal grade in the Mexican army.

The pay of the transportation from here to there was to be defrayed by the drafts of the Mexican consul on the general government of Mexico. The contract with me and Mr. Chauviteau was only for the conveyance of one thousand men from here to Guaymas, but he held out at the time that when this contract was fulfilled he would give us the preferenee for sending down the balance.

The instructions were to send down three thousand men composed of Germans, Irish, Italians, but to prefer Frenchmen, and principally those who had already been there with Count Raousset, but to take care that he should not be with them.

That he should also request the Sonoranians and Mexicans at the mines to return and pay their passage, and if he could not find vessels here, to get them from other ports, or ship the passengers from other parts of this coast.

That he had also orders to buy vessels for the service of his government, and asked what would be the price of the ship Challenge.

The substance of the foregoing is all that I can remember of what he read to me, or said at the time.

I remain, with great respect, yours truly,

E. CAVALLIER.

Brevet Major J. MCKINSTRY,
United States Army.

STATE OF CALIFORNIA, *County of San Francisco, ss:*

On this twenty-seventh day of March, eighteen hundred and fifty-four, before me, a notary public in and for the county aforesaid, and known to me, personally appeared Edmund Cavallier, of San Francisco, who being duly sworn by me, deposed and saith that the facts contained and stated in the within letter are true to the best of his knowledge and recollection.

E. CAVALLIER.

Sworn to and subscribed this 27th of March, 1854.

JOS. W. FINLEY,
Notary Public, [L. S.]

STATE OF CALIFORNIA, *County of San Diego, ss.*

On this sixteenth day of March, in the year one thousand eight hundred and fifty-four, personally appeared before me, a notary public in and for said county, A. J. S. Horn, who, being duly sworn according to law, maketh oath and sayeth that he knows Manuel Fernandez de Cordova; that he has known him by sight for about three years, but that he has had intimate relations with him for about ten months prior to the date of this affidavit; that about that time deponent was cautioned by W. Rand, then editor of the "Los Angelos Star," not to have anything to do with said Cordova, or place any confidence in him; that sometime between the 10th and 15th of February, of this year, said Cordova made his appearance at Santo Tomas, in Lower California, and represented himself an agent sent by the Mexican consul to ascertain the condition of affairs in Lower California, and report to said consul; that said Cordova publicly said to the native population that he, Cordova, had purchased arms and raised a force of French and Spanish volunteers in San Francisco to aid them, the Californians, in expelling Walker's command, but that owing to the want of security to the vessel chartered to convey the same to San Quentin, said expedition did not leave; that said Cordova, after remaining at Santo Tomas for about a day and a half, left for below; that some four or five days subsequent said Cordova again appeared at Santo Tomas; that from this time to the arrival of Walker and his men at San Vincente, said Cordova intermingled with said Walker, travelling with him on amicable and confidential terms; that during this time deponent had been taken a prisoner and remained for some days a prisoner; that about two or three days after arriving at San Vincente, deponent was conducted to Walker's quarters, when he met Cordova writing an order to be published by Walker; that said Cordova asked deponent to copy the same as he, Cordova, could not write Spanish in as good orthography as deponent; that deponent did copy the same from the original written by Cordova; that the day after the so-called convention deponent was again ordered by Cordova to make copies of the representations; that when left alone to write the same Cordova told deponent he had better not influence the people who might come in not to sign the same, if he did so it

should fare badly with him, deponent; that the day before said Cordova left San Vincente for Upper California he came to deponent and said, "I want you to stay here during my absence, and act as secretary to Walker; that deponent declined, saying he had to attend to his own business in San Diego, to which Cordova replied he should see whether he should ever get there, at the same time he informed deponent that he would be released from prison that day; that said Cordova wrote two letters, which he forced Jose L. Espinoza and Jose Y. Arce to sign, directed to Ventura Arce, at San Ygnacio, and the citizens of Lower California, making false statements of the proceedings at San Vincente, and recommending them to join in and declare for the so-called new republic, and advised that copies should be sent to Molaye and La Paz; that said Cordova was called by Walker's men general, and respected by them as a man of such rank; that deponent understood that said rank of general had been conferred on Cordova by Walker; that said Cordova was constantly with Walker during his stay at San Vincente, and to all appearances Walker did not take a single step without consulting said Cordova; that during the stay of said Cordova at San Vincente he, Cordova, did not sleep in camp, but in the house of one Varran, distant about half a mile, and that, on various different occasions, Cordova asked from Walker and obtained a guard to watch over him, said Cordova, during the night; that said Cordova told deponent that Walker had offered him a grant of land for his, Cordova's, services rendered to Walker, and that he, Cordova, had fixed upon Santa Catalina; that Cordova showed deponent a letter purporting to be signed by Walker, and bearing Walker's name, offering to Antonio Maria Melendrez a guarantee of his life and property if he, Melendrez, should present himself at headquarters with Cordova; that said Cordova left San Vincente in company with one Captain Snow, one Potter, and one Frederick Emory, for Upper California; that to the best of the knowledge and belief of the deponent he was imprisoned at the instance of Cordova, who knew deponent to be unfriendly to Walker's movements; that Cordova intended publishing in the upper country the representation of the Californians, as it would have a good effect in favor of Walker; that deponent was present at the so-called convention; that Cordova was side by side with Walker; that after some fifteen Indians and two white men had been sworn, the rest of the Californians present refused to swear, when Walker said that he should treat them as enemies and rebels, and that their punishment would be death and confiscation of their property.

In witness whereof he has hereunto affixed his name, the day and year first above mentioned.

A. J. S. HORN.

Sworn and subscribed to before me,

LEWIS A. FRANKLIN, [SEAL.]
Notary Public.

H.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 13, 1854.

MY DEAR SIR: The ship Challenge has been chartered by the Mexican consul to take to Guaymas some 900 or 1,000 men as immigrant foreigners to settle the country. A few for that purpose have received passports. I have little doubt, however, that the 1,000 men are intended as an expedition by the French Consul Dillon and Count Raousset Boulbon against Sonora, and similar to the one some time since headed by the count in Sonora. Arms and powder have been procured, but have not yet been put on board of the Challenge; they will either be put on board at the last moment, or sent on board after the ship has passed the Golden Gate in a small vessel. Allow me to recommend a strict watch of this ship.

The Mexican consul is satisfied that he has been duped by the French consul, and instead of sending out *bona-fide* settlers of the country, he is about to send out to Guaymus a fillibustering expedition to Sonora, far more formidable than that of Walker. To-morrow I will be better informed of the movements of Dillon and his count.

In the meantime I would hope you would give no clearance to the ship Challenge.

I am, very respectfully, your obedient servant,
JOHN E. WOOL,
Major General.

Hon. R. P. HAMMOND, *Collector of San Francisco.*

I.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 15, 1854.

CONSUL: Permit me to ask if you have received my further information in regard to Count Raousset Boulbon. Please to tell me the number of passengers expected to go on board of the ship Challenge, and whether arms and powder are to be furnished them. The whole scheme of the count, countenanced as I believe by the French consul, is exceedingly suspicious, and may lead to difficulties which should, if possible, be avoided.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major General.

DON LUIS DEL VALLE, *Mexican Consul, San Francisco.*

K.

CONSULADO DE MEXICO EN SAN FRANCISCO.
San Francisco, Marzo 15, 1854.

SENOR GENERAL: Por los informes que estoy recibiendo acerca del *Conde Raousset Boulbon* no tengo inconvimente en manifestar á V. E.

que todas las relaciones que sobre el estoy sabiendo diariamente son contestas con los temores fundados que V. E. y yo tenemos. Unicamente me detenia en reforza en relato en las disposiciones que sobre el debe ministrar el Español prisionero D. Manuel Cordoba uno de los agentes de Walker traidos en el vapor Columbus trasbordado del Portsmouth y los Franceses que me han informado de las terribles tramas de que se está sirviendo dicho Conde de lo que daré a V. E. cuenta en su aportunidad.

Por ahora puedo asegurar á V. E. que es incierto el numero de los pasageros del Challenge ana no he recibido los informes comprobados de los personas que me los han afrecido pero soy de opinion que V. E. obre con enerjia que tiene acreditado en me asunto que afecta tanto nuestros respéctivos gobiernos y nuestras particulares missiones.

Convencido de los indudables intrigas que estan verificando en este asunto los enemigos de la integridad de mi pays soy de opinion en ese caso se detenga la salida del Challenge.

En nombra de la nacion Mejicano suplico a V. E. crea las protestos de mi lealtad y perfecta consideracion.

LUIS M. DEL VALLE,
Consul de Mexico.

Senor General Don J. E. Wool,
Gefe de los fuerzas militares, de San Francisco.

K.

[Translation.]

MEXICAN CONSULATE IN SAN FRANCISCO.
San Francisco, March 15, 1854.

GENERAL: By the information I am receiving with regard to Count Raousset Boulbon, I have no hesitation in informing you that all the accounts brought daily to my knowledge with regard to him are in accordance with the fears we had founded. I was only waiting to fortify the reports by the revelations that might be made by the Spanish prisoner, D. Manuel Cordova, one of the agents of Walker, brought up by the steamer Columbus from on board the Portsmouth, and by the Frenchmen who have informed me of the terrible plots which the said —— is making use of, which I will relate to you in due time.

At present I can assure you, that the number of passengers on the Challenge is uncertain; and although I have not received information supported by direct evidence, from the persons who have promised it to me, I am of the opinion that you are proceeding with the energy imparted to you upon a subject which affects so much our respective governments, and our particular missions.

Convinced of the undoubted intrigues which the enemies of the integrity of my country are verifying in this subject, I am of the opinion that the clearance of the Challenge should be detained. In the name of the Mexican nation I beg you to believe in the protestations of my loyalty and perfect consideration.

LUIS M. DEL VALLE,
Mexican Consul.

L.

CONSULADO MEXICANO EN SAN FRANCISCO.

SOR. GENERAL: Se me han presentado los Señors Chaviteau y Cavil-ler de parte de V. E. invitandoner á passan á su oficina con las instrucciones que haya podido recibir de mi gobierno relativamente al contrato celebrado con dichos señores.

Tengo el honor de cometer à su pendente discrecion que asegurado en las disposiciones del alto gobierno de mi nacion, he contratado con clos señores el ajuste de pasage de algunos emigrantes para que ma los transportasen à un puerto de la republica en virtue de las premisas.

Siento infinito señor general no poder pasar personalmente á contestar con V. S. por impedirmelo el mal estado de mi salud y las muchas occupaciones que en este momenta me rodear.

Recibo V. señor general, las consideraciones de mi afecto y respecto.

LUIS M. DEL VALLE.

Señor General Don JUAN WOOL.

M.

SAN FRANCISCO, *March* 20, 1854.

MONSIEUR LE GENERAL: I have the honor to acknowledge the receipt of your reply of this day's date to my communication of the 18th instant, and hasten to assure you that you will always find me disposed to reciprocate that spirit of frankness and candor which, as you very properly remark, should characterize the intercourse of the governmental agents of two such powers as France and the United States, and of which your precited letter is a gratifying instance.

It may contribute not a little to this result to set you right in regard to the motives and object of the French emigrants now about to leave for Guaymas on board the English ship the Challenge, and it is with this view I submit to you the following particulars.

The Mexican government having ascertained that Count de Raousset Boulbon was organizing within this State a band of adventurers with the view of co-operating with certain parties in the interior of Mexico, who meditated revolting against General Santa Anna, addressed a formal note of complaint to the French legation at Mexico. M. de Dano, acting minister of France in that capital, forwarded me this communication, (see enclosure No. 1,) with an urgent request that I would spare no effort to prevent all French subjects residing within this State from embarking in the irregular and reprehensible courses referred to. I deemed it my duty to give publicity to Mr. Dano's dispatch in the "Echo du Pacifique." It forms the enclosure of which you acknowledge the receipt in your letter of this day, and which is the only communication I have received from the legation of France at Mexico on the subject.

In order to carry out more effectually the intentions of Mr. de Dano, I instructed my secretary to refuse to deliver passports for the Mexican territory, no matter how respectable the parties who might demand them. It was only on M. de la Valle, consul of Mexico at this port,

nforming me (see enclosure No. 2) that his government had instructed ıim to offer to all who would detach themselves from Count de Raousset a free passage to a Mexican port, with certain advantages on their arrival there; and further, requesting me, officially, to give passports :o all such, that I consented to depart from this rule. Even then, I ıave been careful to impress upon the minds of such of my countrymen as applied for passports that I had no advice to give them as to whether they had better go or stay; that I had received no instructions on the subject either from Paris or Mexico, and that if they accepted the Mexican consul's offer, they did it at their own risk and peril.

Hoping that these frank and explicit details will contribute to efface from your mind a groundless impression of mistrust, and merely adding that I have never been the associate of Count de Raousset in any scheme, but merely desirous of his welfare as one to whom he had been recommended by a common friend in Paris. I have the honor to offer you, M. le Général, the renewed assurance of my most distinguished consideration.

Le consul de France,

DILLON.

MINISTERE DES AFFAIRES ETRANGERES,
Consulat de France à San Francisco.

[Enclosure No. 1.—Translation.]

NATIONAL PALACE,
Mexico, January 17, 1854.

The undersigned, minister of foreign relations, has received instructions from his serene highness the General President to inform the chargé d'affaires of Fra.ıce, that from the original documents which the supreme government has in its power, and the authority of which cannot be doubted, it seems that the Count de Raousset Boulbon conspires anew against the peace of the republic and the integrity of its territory.

Scarcely had he arrived at San Francisco than he occupied himself in organizing a vast plan, the object of which is to invade the department of Sonora and Sinaloa, enlisting in that enterprise many Frenchmen and adventurers from other countries.

There is a circumstance to which the undersigned calls the attention of the chargé d'affaires of France; it is that the Count de Raousset, despising the benevolent and honorable welcome which he has received in this capital, when he arrived here, plotted, during the month of October, these criminal projects against a nation friendly to France, and entertaining with her the best relations. Instead, then, of consecrating his sojourn in Mexico to the noble end that the government of the undersigned had proposed to attain in his favor, the count profitted by it to work with all his power upon the enterprise he had on foot.

It is useless to repeat here how criminal is that enterprise, and to dilate upon the results and the consequences which its execution would bring about. His serene highness the President desires that Mr. Dano, knowing the conduct of Mr. de Raousset, would be pleased to take the

measures he should see fit to stop him, and the Frenchmen to be engaged in this guilty course. The influence of the consuls of France in Upper California may be very efficacious, if, following the instructions they will receive from Mr. Dano, they would try to accomplish this end, which would, besides, contribute to the preservation of good harmony between Mexico and France.

As, in order to preserve good relations and to render them more close, the government of his imperial majesty is disposed, as well as that of the republic, to do all that is in its power under the circumstances, his serene highness the President of the republic is persuaded that his majesty the emperor, as soon as he will know of the criminal projects of the Count de Raoussett, will direct immediately the most energetic measures to hinder them, or break them up if they have been put into execution. Thus impressed, Mr. Dano could not, probably, but conform himself to the intentions of his majesty, should he be pleased to warn the commandants of the French ships-of-war in the Pacific to employ all their vigilance in watching the boats which may transport to the shores of the republic the invaders referred to, to visit them, and to employ such means as they may think proper to prevent the disembarcation of those who, trampling under foot justice and the rights of nations, wish, like vandals, to take possession with the armed hand of a part of the Mexican territory,

If France should render this service to the republic, it would be justly appreciated by the latter. The undersigned, not doubting it, appeals to the solicitude and philanthropy of the French chargé d'affaires, hoping that he will be pleased to act in the same manner with the government of his imperial majesty. The Mexican minister in Paris will make demands in the same tenor, and will receive special instructions from the undersigned according to what may be the resolution of his serene highness the President.

The undersigned must from this moment declare, that after the orders of his highness, if the expedition of the Count de Raousset takes place and invades the national territory, all the individuals who make a part of it will be treated and punished as pirates.

The undersigned profits by this occasion, &c., &c.

MANUEL DIEZ DE BONILLA.

Mr. ALPHONSE DANO,
Chargé d'Affaires of his Majesty
the Emperor of the French.

[Enclosure No. 2.]

MEXICAN CONSULATE IN SAN FRANCISCO.

CONSUL: By virtue of dispatches which I have just received from my government, under which I am making preparations, I place myself in communication with you, to whom the legation in Mexico gives sufficient and appropriate instructions, in order that we may co-operate in procuring the withdrawal of the Frenchmen who compose the expe-

dition of Count Raousset, proposing to them their enlistment in the service of my nation.

I have the honor of conveying to you the tenor of the conditions, which is as follows:

1. That their engagement be at least for one year as volunteers, subjecting themselves to the laws and military code of the republic.

2. That to soldiers there will be given the same pay and clothing as to Mexicans, and that to officers the same grade they can prove to have had in the French army.

3. That the transport of both will be on account of the treasury.

4. That to all those who shall have conducted themselves well, and shall have served with loyalty and honor, there will be given, according to their grade and time of service, a certain quantity of lands in the locality which the government of Mexico may deem proper, of which matter the ministries of the interior and of war shall take charge, and shall make the corresponding designations.

In making to you this official communication, I am filled with the honor of offering myself to you your most obedient and faithful servant, Q. B. S. M.

M. DEL VALLE,
Mexican Consul.

N.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 17, 1854.

MY DEAR MAJOR: I have received information this morning that the captain of the ship Challenge has declared that, under the sanction of the British consul, he will sail at the appointed time without a clearance, should you not give him one. I think it would be well that the revenue cutter should be in position to watch the movements of this ship, and if she sails without a clearance to have her brought back.

The parties interested are to call and see me at three o'clock this afternoon. In the meantime, I have a person engaged who thinks he can obtain all the information necessary to enable me to judge of the character and objects of the intended expedition. It would seem that all the parties interested are apprised that I have been the cause of the delay in furnishing the ship with her clearance. Hence great anxiety is expressed to satisfy me that they have no fillibustering intentions.

I have requested Captain Merryman, if it meets your approbation, to place his cutter in a position which will enable her to watch the movements of the ship in question, and, as far as practicable, to observe who and the number of men going on board.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

O.

[CONFIDENTIAL.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 20, 1854.

CAPTAIN: The ship Challenge is about to get her clearance, and will leave under suspicious circumstances, the object, I believe, being more or less connected with fillibustering intentions. My object, at the present time, is to request that you will have your steamer in readiness to follow her until she passes Fort Point, when she will be overhauled and an inspector put on board, when it is expected it will be ascertained that the laws of the revenue have not been complied with.

In such a case she will be ordered to return, and will be subjected to the penalties imposed by the laws.

Allow me to request that you will aid in this matter, and for that purpose report to Major Hammond for instructions.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Captain WM. H. BALL, *U. S. Navy,*
Commanding steamer Columbus, San Francisco.

P.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 22, 1854.

CAPTAIN: The ship Challenge has moved out of sight. It is presumed that the revenue cutter is watching her. I have to request that you will, as soon as practicable, look after this ship, and, agreeably to previous instructions, provided the collector thinks it advisable, to have her brought back. I hope you will see the collector, and take his instructions on the subject.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Captain W. H. BALL, *U. S. Navy,*
Commanding Steamer Columbus, San Francisco.

Q.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 24, 1854.

SIR: I am informed the ship Chili the second is about to sail. She

is reported to be in ballast. I should be glad if you can board her and give her an examination, and let me know the result.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Captain MERRYMAN,
Commanding U. S. Revenue Cutter, San Francisco.

[CONFIDENTIAL.] R.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
March 27, 1854.

CAPTAIN: There is an expedition fitting out in this port for Guaymas by the Mexican consul, and, as he says, under the sanction of his government, which I have no doubt will become a fillibustering party as soon as it lands in Sonora, and, as I believe, will be commanded by Count Raousset de Boulbon. As I am inclined to think that the whole proceeding is in violation of good faith, if not of the laws of the United States, I have to request you will hold yourself, and the United States steamer Active, under your command, in readiness to act according to circumstances, in order to prevent, if it should be attempted, any violation of the laws of the United States.

I therefore desire you will take a position with the steamer near the ship Challenge, which is preparing to convey the expedition to Guaymas, and watch her movements, and report to me from time to time the result.

Her movements, and the information I shall receive to-day, will enable me to form a correct opinion of her character, and that of the expedition, and whether it will be necessary to take the ship and break up the expedition.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Captain JAMES ALDEN, *U. S. Navy,*
Commanding the Steamer Active.

S.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 31, 1854.

SIR: I have just received your communication of this date, and in reply thereto I answer in the affirmative—that is, I being satisfied, after a close examination of the ship Challenge, and the positive assureances on honor of the consul of France, Mr. Argenti Cavallier, and Chauviteau, that it was exclusively an emigrating party, and would proceed without *arms or ammunition* to Guaymas, I withdrew my op-

position to the ship proceeding to sea with the men on board. At the same time I recommended to the party interested to see the collector, who might have, on other accounts, objections.

He had duties to perform as well as myself, and they were different. Accordingly, I went with Mr. Chauviteau, and called on you, to whom I assigned my reasons for withdrawing my objections to the ship Challenge proceeding to sea.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. R. P. HAMMOND,
Collector of the Port of San Francisco.

T.

MINISTERE DES AFFAIRES ETRANGERES,
Consulat de France, à San Francisco, le 29 Mars, 1854.

MONSIEUR LE GENERAL: Ayant apprés que les emigrans Français qu'ont pris passage á bord du navire Anglais le "Challenge," á destination de Guaymas, ont été mis dans l'impossibilité de partie par suite de l'intervention des officiers du steamer des Etats Unis "l'Active," et d'un des bateaux de la douane, agissant l'un l'autre, en vertu d'ordres émanés de vous, j'ai l'honneur de vous prier de vouloir bien m'informer si ce bruit est fondé et dans le cas de l'affirmation, de mi faire connaitre le motif qu'a dietá cette measure que je ne àbstiens pour le moment de qualifies.

Veuillez agreér, Monsieur le General, l'assurance de ma haute consideration.

Le consul de France,

DILLON.

Major General JOHN E. WOOL,
Commander in chief.

U.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, March 30, 1854.

CONSUL: I have the honor to acknowledge the receipt last evening of your communication of the 29th instant. I am unable to comprehend why it should have been addressed to me. If you are specially or directly interested in the expedition fitted out by the Mexican consul, under the authority as he says, of his government, you should have applied for the information you seek to the collector of this port, who ordered the seizure of the Challenge.

Accept, consul, the assurances of the distinguished consideration with which I have the honor to be.

JOHN E. WOOL, *Major General.*

Monsieur DILLON,
Consul of France, San Francisco, California.

MINISTERES DES AFFAIRES ETRANGERES,
Consulat de France à San Francisco, Mars 30, 1854.

[ONSIEUR LE GENERAL: J'ai l'honneur de vous accuser réception ·otre lettre en date de ce jour par laquelle vous m'informez que c'est ertu d'un ordre émané de la donaire de ce port qu'on a mis em- ement au départ du "Challenge."
i je me suis addressê a vous pour être renseigne surr un point que iteresse vivement en ce qu'il se trouve à bord de ce navire plu- rs Français depourons de tout c'est qu'on m'avait assuré que vous z transmis à la douane les instructions en vertu desquelles elle sait, et qu'il importait de pouvoir fixer mon gouvernement sur la ire de la faute qu'avait entraîné cette repression.
euillez agréer, Monsieur le Général, l'assurance renouvillér de ma te consideration.
e consul de France,

DILLON.

[ajor General JOHN E. WOOL,
Commander in Chief.

W.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, March 30, 1854.

IR: On examination of the 2d section of the act approved April 1828, I believe the Mexican consul has rendered himself subject ie penalties prescribed by that act. I have, therefore, to request, if agree with me in opinion, from the facts submitted to your con- ration, that the consul be arrested and brought to trial before the ·ict court of the United States, in this city.
have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

on. S. W. INGE,
U. S. District Attorney, San Francisco, California.

X.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 10, 1854.

y DEAR SIR: Having just returned from Benicia, I received your r of the 6th, for which you have many thanks.
think fillibustering is at an end. The means which I have adopted ·lation to those engaged in this city in procuring men to aid Walker e completely defeated their schemes. Colonel Watkins has been sted, and will soon have his trial. It is thought he will be con- ·d. Count Raousset Boulbon, whom I intended to have arrested,

has fled. We cannot learn that aid, either in men or money, will be sent to Walker. I think, therefore, his expedition is at an end, and he will soon be compelled to fly the country. The current of public opinion, including those who have favored Walker, is decidedly against any further aid or assistance being rendered to him or his party. If any movement, however, should be made, or any assistance attempted to be rendered Walker in this city, I will inform you without delay. I think you need not apprehend any. This being the case, you will not perhaps consider yourself under the necessity of adopting the measures in regard to the Gulf, as suggested in your communication just received. Of this, however, you will be the best judge.

With considerations of the highest respect, I am, very truly, your obedient servant,

JOHN E. WOOL,
Major General.

Captain T. A. DORNIN,
Com'ding U. S. Ship Portsmouth, &c., San Diego, Cal.

Y.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 24, 1854.

CAPTAIN: I avail myself of a moment before the Columbus departs for San Diego to say that, by the assistance of Captain Ball, we have paralyzed the expedition fitting out in this port by the sanction of Santa Anna, for Guaymas, ostensibly for the settlement of Sonora, and the defence of the frontiers against Indians, but, in fact, to aid in the revolution now going on in Guerrero, and, as I believe, to relieve Walker, who, as we are informed, without this aid will be compelled to abandon the country, or surrender himself a prisoner. My object has been, if possible, to break up this expedition in order to prevent a greater evil. If it goes, as expected, it will stimulate our own fillibustering population to further aggressions, and, consequently, to prevent, will give you as well as myself much trouble. Of all which Captain Ball will be able fully to explain.

Watkins has been convicted. His conviction will secure that of Emory. These convictions, I am in hopes, will at least check for a season American fillibustering, and it may have a salutary influence on all who are thus disposed.

I have just this moment received your two letters of March 20, and fully concur in your views. It will be impossible for me to leave here until some important matters connected with these expeditions are disposed of.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Captain T. A. DORNIN,
Com'ding U. S. Ship Portsmouth, San Diego, Cal.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, March 31, 1854.

GENERAL: I have this day transmitted a report of the difficulties I ve had in relation to an expedition attempted to be fitted out by the xican consul. The whole subject, I think, is worthy of your at- tion.

The difficulty of preserving the peace of the country is daily in- asing, owing to the increase of emigrants, who are constantly en- aching upon the Indians, and depriving them of their improvements. is produces collisions between the two races, white and red, which frequently ends in bloodshed. To keep them quiet, and preserve ace, a larger military force is indispensable. We have now less n 1,000 men to guard and defend California, Oregon, Washington, d Utah, altogether in size an empire of itself. To guard this depart- nt, and to defend it, with almost an innumerable number of Indian bes, requires at least one regiment of artillery, two of dragoons, and ee of infantry. A force certainly small to preserve and keep quiet extended a country. Allow me to request, general, that you will ge upon the War Department to send another regiment as soon as acticable. I do this because we may have trouble, and in such a se the militia would be called on for military duty. I would avoid s if possible.

I have the honor to be, very respectfully, your obedient servant,
JOHN E. WOOL,
Major General.

Major General W. SCOTT,
Commanding the Army, New York.

Respectfully submitted to the Secretary of War. I concur in the inion that another regiment (in addition to the 3d artillery) is needed the department of the Pacific, and there is not one that can be ared.

WINFIELD SCOTT.

HEADQUARTERS OF THE ARMY, *April* 26, 1854.

WAR DEPARTMENT,
Washington, April 13, 1854.

SIR: I have received your letter of the 14th ultimo, enclosing a copy your order to Brevet Captain C. P. Stone, to erect another store- use at the ordnance depot at Benicia, at a cost not to exceed twelve usand dollars, for which he was to draw on the colonel of ordnance. This subject was submitted to me by Colonel Craig, some days ce, with a report that there were no funds properly applicable to object, upon which I decided that, "Estimates having been pre- nted to Congress, *and the case thus* submitted, it cannot be consider- *as a contingency, nor can the* construction of a storehouse be

included among the objects for which the *ordnance service* appropriation was made; and though that and other buildings for like objects at Benicia are deemed by the department to be very desirable, the action of Congress is necessary to justify their construction."

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Brevet Major General JOHN E. WOOL,
Commanding Department of the Pacific,
San Francisco, California.

WAR DEPARTMENT,
Washington, April 14, 1854.

SIR. Your letter of the 1st of March has been duly received. In reply I have to state that the department was fully aware of the want of troops in the department of the Pacific at the time you were assigned to that command, and had previouslv made arrangements to increase the number, as far as the strength of the army would allow. You were aware of the disaster of the 3d artillery, which prevented the early arrival of that regiment in California, and, also, of the departure of the recruits for the three companies of dragoons in Oregon.

Your own knowledge of the numercial strength of the army, and the demand for troops upon the frontiers, could only, in the contingency of an increase of the army by an act of Congress, permit you to hope for a larger force than had been previously ordered to your command. No such increase has yet been made.

The armament designed to protect the harbor of San Francisco, during the construction of the fortifications at that place, was ordered before you left here, and will be forwarded as soon as possible. Before it reaches you, there can, of course, be no change in the efficiency of the defenses for the protection of that harbor.

Your remarks in relation to unlawful expeditions sailing from the coast of California, suggests the propriety of referring your instructions upon this subject. It was not expected or desired that the military commander should do more than belongs to the ordinary relations of the civil and military power; and in instructing you to aid the civil authorities, it was not intended that you should originate arrests and prosecutions for civil misdemeanors. You will readily perceive that consequences injurious to the public service would probably follow from such interference by the military with the functions of civil officers.

By a letter from the district attorney, dated three days before the date of your letter, the department is informed that through the agency of men who returned disaffected from the expedition of Walker, the district attorney has been enabled to ascertain that Watkins and others of his confederates were in San Francisco, and that he had arrested them, and had instituted proceedings against them.

I am happy to receive the assurance of your cordial co-operation in the views of the department; it was confidence in this as well as in

our zeal and ability which caused you to be invited to the responsible ommand of the Pacific department.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Brevet Major General JOHN E. WOOL,
U. S. army, San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, April 14, 1854.

SIR: I have the honor to acknowledge the receipt of special orders, om 26 to 29, inclusive.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General, U. S. Army, city of Washington, D. C.

SAN FRANCISCO,
Headquarters Pacific Department, April 14, 1854.

SIR: By the last steamer of the 1st instant I transmitted a report) the headquarters of the army of importance, relating to the conduct f the Mexican consul, charged with enlisting men for the Mexican army. lis conduct was no less extraordinary than corrupt, which you will have iscovered by the report above alluded to. He was, at my request, rrested, and is to have his trial next week. His arrest and conviction, gether with that of Watkins and Emory—the latter plead guilty, oth fined $1,500 each, I am in hopes will, in a great measure, put a op to fillibustering in California. I have, however, received informa- on that Count Raousset de Boulbon meditates another French expedition) Sonora, which I have no doubt will be attempted if the Mexican onsul should escape trial and conviction. I am in great hopes of itching this count. He is, however, cautious, and accomplishes his ids through the medium of others.

Allow me to call your attention to a report which has reached me, at Colonel Cooper intends relieving, as soon as he can, Major Town- nd, and order him to Washington. This I regret, deeply regret to learn, ecause if the major should be taken from me it would no less embarrass e than it would be a serious injury to the service. His place cannot supplied by any officer in the adjutant general's department, and om the fact that he is acquainted with all the transactions relating to e affairs of the department, and which is no less important to me than the public service. The department is so extensive, embracing any interests of the highest importance, and of daily investigation. 'ithout the knowledge of Major Townsend I should no less be groping in e dark than I should find it difficult to arrive at correct conclusions. In word, if the public interest instead of private is to be consulted, no such der, which I *know Major Townsend* anticipates, will be issued. It

appears to me I ought to be consulted on a subject so intimately connected with the interest of the Pacific department. No officer of the adjutant general's department could possibly make himself acquainted with the affairs of this department to the extent possessed by Major Townsend, short of one year's constant application.

Since my arrival in San Francisco most of my time has been occupied in ferretting out and defeating the schemes of fillibusters, and they are numerous. Hence I have not been able to devote that attention to my professional duties which the public interests demand, consequently, I have been compelled to rely principally on the information derived from Major Townsend and other staff officers. Again, I could hope that none of the chiefs of departments in this department would be removed or relieved from their positions without first consulting myself. The information they possess, and which cannot be acquired short of one or two year's service, is invaluable and indispensable to the good of the public interest. My anxiety on the subject I hope will be soon relieved.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

HEADQUARTERS PACIFIC DEPARTMENT,
San Francisco, April 14, 1854.

COLONEL: It has just reached me by report that you should have said Major Townsend will be relieved as soon as it can be done, and ordered to Washington. I regret to learn of any such determination, for I cannot dispense with his services. If he should be taken from me, it would no less embarrass myself than it would be a serious injury to the service. His place cannot be supplied by any officer of the adjutant general's department, and, from the fact that he is acquainted with all the transactions relating to affairs of this department, and which is no less important to me than to the service. No officer in your department could possibly acquire the information he possesses and so essential to the faithful discharge of my duties, short of one years' constant application. If the public instead of private interest is to be consulted, no such order as now anticipated by Major Townsend will be issued. Again, I could hope that none of the chiefs of the Pacific department would be taken from the department, without first consulting me. The information they possess in relation to the military affairs of the department is invaluable, and cannot be dispensed with without great loss and injury to the public. No one except Major Townsend has indicated any such wish, and it is but recently and since the arrival of Captain Jones, that the Major has expressed any desire to leave California. The daily investigation of old claims presented for consideration, requires some one present who has been acquainted with them, and can give the information and action had *upon them* under the former commander. Indeed, there is not a day

passes but some important question relating either to Indians or citizens come up for discussion, and, in most cases, requires reference to some former action. I would hope if there has been any determination to relieve Major Townsend it will be abandoned, for I cannot properly dispense with his services. I must retain him no matter who may be sent to relieve him.

I am, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General, U. S. Army, Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, April 15, 1854.

COLONEL: It will be some months before any guns can be mounted in this harbor, unless the chief engineer of this department is furnished with more funds than hitherto.

I perceive by an order from Major General Scott, that Colonel Mansfield is ordered to make a minute inspection of the Pacific department. This will relieve me very much, as it seems impossible for me to leave this position until fillibustering is entirely checked, which I have great hopes will be the case after the trial and, as I believe, conviction of the Mexican consul.

All information from the interior is favorable to quiet and peace between the whites and Indians. In most cases, if not all, the latter desire peace, and only retaliate when the former invade their rights, which, unfortunately, occurs too frequently. As soon as a sufficient number of troops arrive, I will endeavor to so dispose of them as to protect both the red and white man.

I am, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General, Washington, D. C.

ADJUTANT GENERAL'S OFFICE,
Washington, April 19, 1854.

GENERAL: On the 20th of March ultimo the clothing receipt rolls of the non-commissioned, staff, and band, and companies "A," "D," "G," "H," "I," and "K," 3d regiment of artillery, were borrowed from the Treasury Department, and sent to Colonel Gates, that they might be copied, as far as necessary, to renew the clothing accounts of the enlisted men of the regiment who were on board the San Francisco. It appears that these rolls, excepting those pertaining to company "I," were taken to California on the 5th instant with the regimental records.

Their retention was not at all contemplated, and the failure to return them, as directed, has already produced inconvenience and embarrassment, as many *of them are vouchers* to unsettled accounts. I have,

therefore, respectfully to request that you will please give the requisite instructions for their prompt transmittal to this office.

A copy of the letter of the Second Auditor, furnishing me with the rolls herein referred to, is herewith enclosed.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Brevet Major General J. E. Wool,
Com'ding Depart. of the Pacific, San Diego, Cal.

Headquarters Department of the Pacific,
San Francisco, April 27, 1854.

Sir: I have the honor to acknowledge the receipt of the following communications:

General Orders No. 4.

Special orders from 30 to 36, inclusive.

Letter of March 7, in relation to recruiting for the general service.

Letter of March 16, concerning increase of ration of fresh beef at Steilacoom.

Letter of February 25, containing decision of the President in the case of Captain Canfield.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. Cooper,
Adj. Gen. U. S. Army, City of Washington, D. C.

Adjutant General's Office,
Washington, May 9, 1854.

General: The Secretary of War directs that you order to the city of New York, with instructions to report from thence by letter to the Surgeon General, such of the medical officers on duty in the department of the Pacific as can, in your opinion, be spared consistently with the requirements of the service.

I am, sir, very respectfully, your obedient servant,

S. COOPER
Adjutant General.

Brevet Major General J. E. Wool,
Com'ding Dep't of the Pacific, San Francisco, Cal.

Headquarters Department of the Pacific,
San Francisco, May 12, 1844.

Sir: I have the honor to acknowledge the receipt of—

Special orders from 37 to 44.

Letter of March 23, containing the decision of the Secretary of War in the case of Assistant Surgeon Campbell.

Letter of March 30, approving the assignment of recruit J. C. Roper to company I, 4th infantry.

Duplicate of letter of April 1 to Lieutenant Colonel Bonneville, exonerating officers of the 4th infantry from blame in crossing the Isthmus.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adjutant General U. S. Army, City of Washington.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 15, 1854.

SIR: Since my last report, the first of May, in consequence of the conviction of the Mexican consul, the threats of the French consul, he having lowered the French flag, and the expectation of several French ships-of-war in the harbor of San Francisco, and other causes, I have deemed it prudent to order ten heavy guns, six of which are 8-inch howitzers, to be mounted on Alcatrazas island, and ten 32-pounders at Fort Point. I have also ordered ten 24-pounders from Monterey, which I intend to have mounted on siege-carriages, to be moved to any point I might deem necessary for the defence of the harbor. I have also ordered barracks to be erected at the Presidio for two companies of artillery, at an expense of seven thousand dollars. These are indispensable, in consequence of the very limited and dilapidated state of the barracks at this port. The erection of these barracks will give store-room for supplies and a hospital, which are much needed at the present time.

I had hopes that the conviction of the Mexican consul would have effectually checked all further French fillibustering. It seems I was mistaken, for the notorious Count Raousset de Boulbon is still engaged in preparing another expedition. I think, however, that the measures which will be adopted this week will put a stop to his nefarious schemes, when I trust I shall be able to devote more of my time to the military affairs of my department.

Colonel Mansfield, inspector general, arrived by the last steamer. He left to-day on a tour of inspection, embracing the military posts of Monterey, San Diego, and Fort Yuma. From this latter post he will return by the military reserve for the occupation of Indians, at the Tejon Pass, and Fort Miller.

Two companies of the third artillery, B and L, arrived by the last steamer. I ordered company L to the Presidio, under the command of Brevet Captain Lendrum. The other company, B, is stationed at Benicia, with Brevet Lieutenant Colonel Nauman in command. Four other companies are expected by the steamer hourly looked for.

The Indians throughout this department are quiet, and appear peaceably inclined. The plan suggested by the superintendent of Indian affairs, Lieutenant *Beale, appears to* be favorably received, and there

are indications that many Indians will remove to the military reserve at the Tejon Pass in the course of the year. To carry out successfully the plan of the superintendent, the appropriation to meet expenses should be certain and large. He requires five hundred thousand dollars, and the sooner it is granted the better. Should success attend his efforts, which I have no doubt will be the case, it will enable me to dispense with several posts which are now kept up at a very heavy extra expense to the government. As soon as the troops arrive I intend to establish a post, with a company of artillery and a company of dragoons, in the reserve, where they can be maintained comparatively at a small expense.

I am much in want of dragoon officers. We have three companies of dragoons, and only four officers attached to them. Two of these are intemperate, and cannot be trusted with independent commands. Captain Smith and Lieutenant Radford are fine officers, and efficient.

Since writing the above, the grand jury, now in session, has indicted the French consul, Dillon, for violating the neutrality laws of the country. In consequence of the trouble given me by Count Raousset de Boulbon, in his endeavors to prepare another expedition to Sonora, I requested Mr. Inge, if the facts presented would justify, to arrest the French consul, and have him tried before the district court, now in session. His trial is postponed until Monday next. I have no doubt of his conviction. I had, however, no desire to bring the consul before the tribunals of justice. His interference and aid in his endeavors to fit out expeditions against Sonora, left me no other course but the one pursued. His trial will relieve me, I think, of Count Raousset de Boulbon, when I think fillibustering will cease. Public opinion is almost universal against Dillon, the French consul.

I hasten to say that Walker and thirty-three of his party surrendered themselves on the 8th instant, at San Diego, to Major McKinstry and Captain Burton. The latter has just arrived with them at these headquarters. I have ordered them to be turned over to the United States civil authorities for trial.

I enclose herewith copies of orders to Brevet Major Barnard, corps of engineers, and Brevet Captain Stone, ordnance department, in relation to mounting the batteries in this harbor.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

HEADQUARTERS DEPARMENT OF THE PACIFIC.
San Francisco, May 1, 1854.

SIR: The commanding general desires you to cause ten heavy guns to be mounted at Alcatrazas island, and the same number at Fort Point, for immediate service.

The general directs that you report to him in person, without delay, for further instructions.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assist. Adj't Gen.

Bvt. Maj. J. G. BARNARD, *Corps of Engineers,*
San Francisco.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 1, 1854.

SIR: The commanding general directs that you mount on Alcatrazas island, six eight-inch guns, and if practicable, six 32-pounder guns, in the positions indicated by him to Brevet Major Barnard, also ten 32-pounder guns near Fort Point, to command the entrance to the harbor.

You will see that a proper amount of ammunition is prepared for these several batteries, for which the engineer officers will furnish you storage at the different points.

You will call upon the quartermaster department for the necessary transportation.

You will confer with Brevet Major Barnard in taking measures for executing these instructions.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Asst. Adj't Gen.

Bvt. Capt. C. P. STONE, *U. S. Ordnance,*
San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 15, 1854.

SIR: The enclosed papers refer to a piece of land containing about 393 acres of land, adjoining the military reserve at Benicia. It would be an important acquisition if it could be obtained at a reasonable price. The Hon. P. A. Morse, who is desirous of selling it to the government, asks for it $20,000. Captains Clary and Stone estimate its value at $12,000. About two years since it was contracted for on account of the government at $5 per acre, but given up, because Mr. Conrad, Secretary of War, disapproved of the purchase, on the ground that an act of Congress was necessary to authorize it. If it can be had for $12,000, I would recommend the purchase.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON *DAVIS, Secretary of War.*

SAN FRANCISCO, *April* 28, 1854.

SIR: In reply to your verbal communication of this day, I have the honor to state that I will sell to the United States the tract of land purchased by General Villgo, containing 393 acres, more or less, situated adjacent to the northern boundary of the military reserve at Benicia, for the sum of twenty thousand dollars, provided the purchase is consummated within a reasonable delay, not to exceed six months. I will deliver immediate possession, and warrant the title against the claims of all persons except the United States.

Very respectfully, your obedient servant,

P. A. MORSE.

Maj. E. D. TOWNSEND, *Asst. Adj't Gen.*,
U. S. Army, San Francisco, California.

QUARTERMASTER'S DEPARTMENT,
Benicia depôt, April 22, 1854.

SIR: In reply to your communication of the 30th instant, I have the honor to state for the information of the general commanding the Pacific department, that the purchase of land adjacent to the northern boundary of the military reserve, at this place, by General Hitchcock, was, in my opinion, a most judicious and important acquisition, and had it been retained it could have effected an annual saving, in pasturing alone for public animals, *more* than the *original cost* of the land, without calculating the facilities afforded for cutting hay and for agricultural purposes, and the advantages arising from an enlargement of the arsenal grounds, which is particularly desirable, that such magazines as the exigencies of the service may require may be removed to a safe distance from the storehouses, workshops, &c.

The public animals not required for service at the depôt are herded in the valley of Monte Diablo, some 20 miles distant, at an annual expense of $2,500, which would be obviated by the acquisition of the land in question.

As it was purchased by the present owners on speculation, I have reason to believe that they would be willing to dispose of the whole at a reasonable advance on the price paid by them—say from $25 to $30 per acre, there being, as surveyed by Captain Stone, 393 acres.

Although, for purposes purely military, a less amount adjoining the northern boundary of the reserve might be sufficient, yet it is probable (as it was purchased on speculation) that the price demanded for a part would not fall much short of that asked for the whole tract; the purchase of which I would recommend, if it can be obtained within the limits above stated.

Very respectfully, your obedient servant.

R. E. CLARY.

Major E. D. TOWNSEND,
Assistant Adjutant General, U. S. Army,
Headquarters Department of the Pacific, San Francisco, California.

BENICIA ARSENAL, CALIFORNIA,
April 22, 1854.

Having been consulted by Captain Clary, assistant quartermaster, on the subject referred to in the foregoing letter, I would state that I fully concur with him in his views on the subject, but I would not recommend the purchase should more than $30 per acre be charged for the land.

Respectfully submitted,

C. P. STONE, *Bvt. Captain,*
1st Lieutenant Ordnance, Commanding Arsenal.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 15, 1854.

SIR: Since my last report, the 1st of May, in consequence of the conviction of the Mexican consul, the threats of the French consul, he having lowered the French flag, and the expectation of several French ships-of-war in the harbor of San Francisco, and other causes, I have deemed it prudent to order ten heavy guns, six of which are 8-inch howitzers, to be mounted at Alcatrazas island, and ten 32-pounders at Fort Point. I have also ordered ten 24-pounders from Monterey, which I intend to have mounted on siege-carriages, to be moved to any point I might deem necessary for the defence of the harbor. I have also ordered barracks to be erected at the Presidio for two companies of artillery, at an expense of seven thousand dollars. These are indispensable, in consequence of the very limited and dilapidated state of the barracks at this post. The erection of these barracks will give store-room for supplies and an hospital, which are much needed at the present time.

I had hoped that the conviction of the Mexican consul would have effectually checked all future French fillibustering. It seems I was mistaken, for the notorious Count Raousset de Boulbon is still engaged in preparing another expedition. I think, however, that the measures which will be adopted this week will put a stop to his nefarious schemes, when I trust I shall be able to devote more of my time to the military affairs of my department.

Colonel Mansfield, inspector general, arrived by the last steamer. He left to-day on a tour of inspection, embracing the military posts of Monterey, San Diego, and Fort Yuma. From this latter post he will return by the military reserve for the occupation of the Indians at the Tejon Pass and Fort Miller.

Two companies of the 3d artillery, B and L, arrived by the last steamer. I ordered company L to the Presidio, under the command of Brevet Captain Lendrum. The other company B is stationed at Benicia, with Brevet Lieutenant Colonel Nauman in command. Four other companies are expected by the steamer hourly looked for.

The Indians throughout the department are quiet, and appear peaceably disposed. *The plan suggested* by the superintendent of Indian

affairs. Lieutenant Beale, appears to be favorably received, and there are indications that many Indians will remove to the military reserve at the Tejon Pass in the course of the year. To carry out successfully the plan of the superintendent the appropriation to meet expenses should be certain and large. He requires five hundred thousand dollars, and the sooner it is granted the better. Should success attend his efforts, which I have no doubt will be the case, it will enable me to dispense with several posts which are now kept up at a very heavy expense to the government.

As soon as the troops arrive, I intend to establish a post, with a company of artillery and a company of dragoons, in the reserve, where they can be maintained comparatively at a small expense.

I am much in want of dragoon officers. We have three companies of dragoons and only four officers attached to them. Two of these are intemperate, and cannot be trusted with independent commands. Captain Smith and Lieutenant Radford are fine officers and efficient.

Since writing the above the grand jury, now in session, has indicted the French consul, Dillon, for violating the neutrality laws of the country. In consequence of the trouble given me by Count Raousset de Boulbon, in his endeavors to prepare another expedition to Sonora, I requested Mr. Inge, if the facts presented would justify, to arrest the French consul, and have him tried before the district court, now in session. His trial is postponed until Monday next. I have no doubt of his conviction. I had, however, no desire to bring the consul before the tribunals of justice. His interference and aid in his endeavors to fit out expeditions against Sonora left me no other course but the one pursued. His trial will relieve me, I think, of Count Raousset de Boulbon, when I think fillibustering will cease. Public opinion is almost universal against Dillon, the French consul.

I hasten to say that Walker and thirty-three of his party surrendered themselves on the 8th instant at San Diego to Major McKinstry and Captain Burton. The latter has just arrived with them at these headquarters. I have ordered them to be turned over to the United States civil authorities for trial.

I enclose herewith copies of orders to Brevet Major Barnard, corps of engineers, and Brevet Captain Stone, ordnance department, in relation to mounting the batteries in this harbor.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Major General WINFIELD SCOTT,
General in Chief.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 1, 1854.

SIR: The commanding general directs that you mount on Alcatrazas island, six eight-inch guns, and, if practicable, six 32-pounder guns in the positions indicated by him to Major Barnard; also, ten 32-pounder guns near Fort Point, to command the entrance to this harbor. You

will also cause ten 24-pounder guns to be brought from Monterey, to be mounted on siege-carriages for the general defense of the harbor.

You will see that a proper amount of ammunition is prepared for these several batteries, for which the engineer officers will furnish you storage at the different points.

You will call upon the quartermaster's department for the necessary transportation.

You will confer with Major Barnard in taking measures for executing these instructions.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Brevet Captain C. P. STONE,
U. S. Ordnance, San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 1, 1854.

SIR: The commanding general desires you to cause ten heavy guns to be mounted at Alcatrazas island, and the same number at Fort Point for immediate use.

The general directs that you report to him in person without delay, for further instructions.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Brevet Major J. G. BARNARD,
Corps of Engineers, San Francisco, California.

[Endorsed on the foregoing letter of General Wool.]

Respectfully submitted for the information of the Secretary of War.

WINFIELD SCOTT.

ADJUTANT GENERAL'S OFFICE,
Washington, May 17, 1854.

GENERAL: Your letter of the 14th ultimo has been duly submitted to the Secretary of War. In answer, I am instructed to say, that, although it was not contemplated by the department to withdraw Major Townsend from your command at this time and assign him to another station, yet, should such change be hereafter determined upon, the department will expect that the instructions which may issue on the subject will be duly respected and obeyed, and that you will not, in that case, carry out the intimation in your letter "to retain him no matter who may be sent to relieve him." I am further instructed to remind you of a conversation had with the Secretary of War, when, on asking for the services of an officer, other than Major Townsend, you were told that as the commander of the department was to be changed, it was the more necessary Major Townsend should remain there, he *being fully acquainted* with all the transactions relating to

the affairs of the department. As you had not, therefore, originally applied for that officer, but his being left there was a suggestion of the department, the Secretary could not now expect so urgent a remonstrance from you against his relief, after you have had time and opportunity to make yourself acquainted with all the circumstances of your command.

I have the honor to be, general, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Brevet Major General J. E. Wool,
Commanding Department of the Pacific, San Francisco, Cal.

Headquarters of the Army,
New York, May 18, 1854.

General: I respectfully enclose herewith a copy of a letter from the adjutant general to the general-in-chief, of the 17th instant. The letter directs that you will please take the necessary measures, without delay, to carry out the instructions of the Secretary of War as therein expressed.

I have the honor to be, general, very respectfully, your most obedient servant,

IRVIN McDOWELL,
Assistant Adjutant General.

Brevet Major General John E. Wool,
Com. Dep. of the Pacific, Headquarters, San Francisco, Cal.

Adjutant General's Office,
Washington, May 17, 1854.

General: The Secretary of War desires that instructions may be given for the transfer of the headquarters of the department of the Pacific from San Francisco to *Benicia*, and that the public quarters and the barracks at that place be used for the accommodation of the officers and offices connected with the department headquarters. A guard not exceeding a single company is deemed sufficient for the protection of the store at Benicia. Such staff officers as it may be absolutely necessary should remain behind must be quartered at the *Presidio*, near San Francisco, or, if permitted to live in the city, they must do so at their own expense, as commutation for quarters and fuel will not be allowed them. The foregoing is to be construed as applying to all staff officers reported in the department returns as being stationed in San Francisco. The Secretary of War further directs that the troops be withdrawn from the Presidio and ordered elsewhere.

I have the honor to be, sir, your obedient servant,

S. COOPER, *Adjutant General.*

Major General Winfield Scott,
Commanding the army, city of New York.

L ORDERS, } HEADQUARTERS OF THE ARMY,
O. 80. } *New York, May* 18, 1854.

direction of the Secretary of War, the headquarters of the nent of the Pacific will be transferred from San Francisco to t.

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ommand of Major General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
Washington, May 26, 1844.

ERAL: The several explanations called for in my communication ust 5, 1853, to Brevet Brigadier General Hitchcock, then com- g the Pacific division, have all been received, with the exception in the case of First Lieutenant *Tredwell Moore*, 2d infantry. I request that you will please cause that officer to render the d explanation without delay, in order that the matter may be ed to the Secretary of War.

ve the honor to be, general, very respectfully, your obedient ,

S. COOPER, *Adj't Gen.*

Maj. Gen. J. E. WOOL,
Com. Dep. of the Pacific, Benicia, California.

ADJUTANT GENERAL'S OFFICE,
Washington, May 29, 1854.

ERAL: Observing in your special orders No. 37, of the 25th the reassignment of Brevet Major *McKinstry*, of the quarter- s department, to the San Diego depot, from which he was re- n January last by your predecessor, for reasons set forth in de- nt order No. 1, of the 12th of that month, I am instructed by retary of War to invite your attention to this order, and request u will report the considerations which have induced you to send McKinstry back to the station from which, in the opinion of er General Hitchcock, the public interest required his removal. , general, very respectfully, your obedient servant,

S. COOPER, *Adj't General.*

et Major General J. E. WOOL,
Com. Dep. of the Pacific, Benicia, California.

HEADQUARTERS PACIFIC DEPARTMENT,
San Francisco, May 30, 1854.

I have the honor to acknowledge the receipt of general orders pecial orders from 45 *to* 57, and letter of April 19, calling for rolls *of companies of the* 3*d* artillery.

Brevet Lieutenant Colonel Nauman, commanding the 3d artillery, to whom was referred the letter of April 19, states that the rolls "of the non-commissioned staff and band, and of companies D, G, and H, 3d artillery, were brought to California with a portion of the records of the regiment. They are no longer wanted, and will be transmitted to Washington at the earliest moment practicable.

It appears that those of companies A and K, 3d artillery, have never been retured to regimental headquarters, and are supposed to be in the hands of the officers commanding those companies.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER, *Adjutant General,*
Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco May 30, 1854.

SIR: I had the honor to receive your communications of the 13th and 14th of April last, by the mail steamer that arrived on the 18th.

In reply to the first, which relates to the draft of Captain Charles P. Stone, ordnance department, for $6,000, I would observe that I regret it was not paid. This draft, and another for a like amount, were drawn to meet the expenses of an arsenal building, indispensable to the preservation of ordnance property exposed to the weather, and of a large amount hourly expected, the storage of which, on inquiry, in any private building, either in Benicia or San Francisco, would cost more than $2,000 per month, besides being exposed to destruction by fire. Captain Stone informs me that he has been compelled to arrange the payment of the draft at a great sacrifice of money to himself. Money cannot be borrowed in San Francisco for less than three per cent. per month. So gallant, capable, and efficient an officer should not have been subjected to the sacrifice.

In relation to your second communication, of April 14, I would remark that I am somewhat at a loss to comprehend its meaning. With the exception of the last paragraph, it appears to bear the impress of rebuke, if not of direct censure. This, in every sense of the term, is undeserved.

In urging in my communication of February 28 that the troops be sent to California, my object was simply to apprise you, as well as the general-in-chief, of the necessity of sending troops as soon as practicable, in order that the peace and quiet of the country might be preserved, which is almost daily threatened by the whites and Indians coming in contact with each other.

This was no less due to myself than to the service, no matter what your information might have been on the subject, lest you should have supposed from my silence the immediate necessity did not exist, and delay might follow; consequently, if evil resulted from it I would justly deserve censure. Indeed, I think you would have had just cause to censure me if I had not on my arrival represented the state and condi-

tion of the department to which I had been assigned, and more especially if the peace of the country was in danger. I was not willing, under these circumstances, to assume the fearful responsibility of remaining silent. Although I could not expect any more regiments than had been assigned to the department until an increase of the army by an act of Congress, yet I might have at least expected the number, 660, of the recruits, as required February 28, besides counting the 2d infantry as recruits, to fill up the 1st dragoons, 3d artillery, and 4th infantry, serving in the department of the Pacific.

This increase required no act of Congress, and might have become of vast importance in preserving the peace and quiet of the country.

On the subject of my duties relating to fillibustering expeditions, you say: "Your remarks in relation to unlawful expeditions sailing from the coast of California suggest the propriety of referring you to your instructions on this subject. It was not expected or desired that the military commander should do more than belongs to the ordinary relations of the civil and military power; and in instructing you to aid the civil authorities it was not intended that you should originate arrests and persecutions for civil misdemeanors. You will readily perceive that consequences injurious to the public service would probably follow from such interference by the military with the functions of the civil officers."

By these remarks I infer that you expected that I would wait until called on by the civil officers to aid them in maintaining the neutrality laws. If such was your intention, you should so have instructed me, and if such had been your instructions I have no doubt you would have heard of several expeditions having been fitted out against the territories of Mexico.

Having referred me to my instructions, it is to be inferred that you are under the impression that I have exceeded them. Let us see what they are:

First. In the proclamation of the President of the United States, dated the 18th of January, 1854, I find (having reference to all who might violate the neutrality laws) the following positive instructions: "I call upon all officers of the government, civil and military, to use any efforts which may be in their power to arrest, for trial and punishment, any such offender."

In the instructions received direct from yourself, dated Washington, January 12, 1854, you say: "In addition to the ordinary duties of the military command, to which you have been assigned, it is deemed proper to direct your attention to certain special duties which will devolve upon you.

"Among these will be the duty of maintaining our international obligations, by preventing unlawful expeditions against the territories of foreign powers. Confidence is felt that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously co-operate with the civil authorities in maintaining the neutrality laws.

These instructions are too plain to be mistaken or misunderstood. Whilst I have literally complied with them, I have in no instance exceeded them. *I have done no* more nor less than "to maintain our in-

ternational obligations, by preventing unlawful expeditions against the territories of a foreign power;" to the utmost of my power used all "proper means to detect the fitting out," in which I succeeded, "armed expeditions against a country with which the United States are at peace;" and I have "zealously" and harmoniously "co-operated with the civil authorities in maintaining the neutrality laws."

In the discharge of these duties, which have cost me some sleepless nights, I have made no arrests, nor interfered with the functions of the civil officers.

It is, however, too late to refer to my instructions. The work, whether for good or for evil, has been done. Watkins, Emory, and the Mexican consul have been tried and convicted; the French consul tried, but not found guilty; the jury stood ten for conviction, and two for acquittal. Walker and his party surrendered. Walker and Jurnagin have been indicted; all which, I trust, will put an end, at least for a time, to fillibustering, and leave me more able to attend more strictly to my professional duties.

You have thought proper to allude to a letter from the district attorney, in which you say: "The department is informed that, through the agency of men who returned disaffected from the expedition of Walker, the district attorney has been enabled to ascertain that Watkins and others of his confederates were in San Francisco, and that he had arrested them, and instituted proceedings against them."

In reply to which I would observe that after Watkins had conducted the party, which he publicly enrolled without interference or molestation in San Francisco, to Walker, he returned. Everybody knew that Watkins was in the city, and that he came to recruit more men for Lower California or Sonora. It was under these circumstances that I called on Mr. Inge, the district attorney, and suggested the arrest of Watkins, when he replied he would arrest him as soon as I would make a written application to that effect, with which I promptly complied. Emory was arrested at San Diego, I presume under the President's proclamation, by an officer under Captain Dornin, and brought here for trial. In every case, on presenting the facts against those who have violated the neutrality laws, Mr. Inge has reqnired of me a written application for the arrest, with which I always promptly complied. Even in the case of the French consul, and after he had been indicted by the grand jury, who passed resolutions calling on the district attorney to prosecute him, Mr. Inge, requested of me a written application for Mons. Dillon's arrest and trial.

I did not, however, urge the arrest and trial of the French consul, although I believed, from the information I received, he was engaged in a French fillibustering scheme.

In presenting these statements, my object is merely to show that not only the civil and military have acted harmoniously and efficiently together, but that instead of interfering or dictating to the civil officers, I have been required by them to take the initiative step, at least so far, after presenting the facts, as to ask for the arrest of the offender.

In reply to your remarks in the concluding paragraph of your letter of the 14th April, I can only say, if an honest, zealous, and faithful

discharge of all my duties, regardless of consequences, will retain your confidence, as well as that of the President, I am sure of it.

I have the honor to be, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 31, 1854.

SIR: At the request of J. M. Pindell, I herewith have the honor to transmit his application, with a report thereon, from Majors Cross and Barnard, and Captain Folsom, for the right of way to make a plank road from the city of San Francisco to the ocean, passing through the military reserve embracing the Presidio and Fort Point, giving to the United States, under certain conditions, the free use of the road without taxation. Such a road would, undoubtedly, as set forth in the report of Major Cross, be of great advantage to the public service, and therefore, worthy of consideration. The cost of the road is estimated at about $38,000 per mile. The distance to be made through the reserve would be about two miles, and would, as estimated, cost about $76,000. If the right of way should be granted, and I would not recommend any other right or privileges, it is expected by Mr. Pindell that the government would pay the cost of so much of the road as would pass through the military reserve. He will, however, accept of any amount that Congress might think proper to grant.

If we could have such a road at a reasonable expense, under the conditions set forth in the report herewith presented, being confident that it would be of great advantage to the public, I cheerfully recommend its adoption.

I am, very respectfully, your obedient servant,

JNO. E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

SIR: I have procured from the supervisors of the county of San Francisco a charter to make a plank road from the city of San Francisco to the Pacific ocean.

I have had two routes surveyed for the purpose of finding which one is the most feasible. One of the surveys passes a few yards north of Presidio, and running a little south of the fort; thence on to the ocean; but after leaving the fort it has to pass over a large creek, a deep gulch, and a hilly, mountainous country, adding very much to the distance of the road, almost one-third, thereby increasing the expenditure of building said road to at least one-third, if not more.

The other survey *runs south of the* government reserve entirely, sev-

eral miles from the government works, and runs in almost a straight line, through valley land, where there will be no grading required, which is the heaviest item of expense in building such a road as the one proposed in this country, where labor is dear. It will be shorter than the other route, and a much more beautiful one, which is a matter of great moment, as the road will be one much used for pleasure.

The property-holders on this route, to induce me to select it for the road proposed, and to assist me in building the same, have come forward in a liberal manner and deeded to me a large portion of their property lying adjacent to said survey, upon which I can raise the requisite sum for building the road by hypothecation.

I believe the government works, when brought to completion, will be the greatest ornament to the Pacific coast, and to our city, and when we look ahead for a few years only, no man can pretend to predict or conceive the importance of this military location. I am anxious to throw all the weight of such an improvement as a plank road to assist in beautifying and bringing to early completion the improvement of the Presidio and the fort.

In our dry season it is almost impossible to get through the sand and over the hills to the fort with anything like a loaded wagon. During the winter, or rainy season, it is alike impossible to get even to the Presidio; and until such an improvement as a plank road, or something similar, shall be made, the government works can never be approached by any other mode than on horseback; and now, in these troublous times of war, quick communication with the city, the fort, and the ocean, will be indispensable.

I propose that if the government will give me the same assistance for building the above plank road through the reserve, passing between the Presidio and the fort, a short distance from both, and a right of way, the same to be deeded to the county of San Francisco, that the property-holders on the other route offer me, and an appropriation of money, that the government shall have free use of said road for all purposes, and be subject to no kind of tax or expense during the term of my charter, viz: For ten years after the road shall be completed, at the expiration of the same, the road is to be declared a public county road.

I annex hereto the survey of the road as made and returned by the county surveyor of San Francisco county, with an estimate of the distance of the fort from the city of San Francisco, and the cost of building the proposed plank road from the city to the fort.

J. M. PINDELL.

Major General Wool.

San Francisco, *May* 24, 1854.

Dear Sir: Enclosed I send you an approximate estimate of the cost of building a road from San Francisco to Fort Point, as requested.

The amount named will not differ materially from the actual cost at the present prices of material and labor.

Yours, respectfully,

J. J. GARDNER,

City and County Surveyor.

Estimate of cost of building road from San Francisco to Fort Point.—Distance, say three and a half miles.

Cost of planking and material, 18,480 feet, at $4 per running foot	$73,920 00
Excavation and embankments	60,000 00
Total	$133,920 00

The above is an approximate estimate of the cost of said road.

J. J. GARDNER,
City and County Surveyor.

SAN FRANCISCO, *May* 24, 1854.

SAN FRANCISCO, CALIFORNIA, *May* 24, 1854.

MAJOR: The undersigned officers having been directed by Major General Wool to examine the proposition made by Mr. J. M. Pindell, to construct a plank road to Point Lobos *via* the Presidio and Fort Point, under certain conditions, have the honor to report that they have made a careful examination of the proposed route contemplated, and are of the opinion that, located as the Presidio and Fort Point are relative to this place, the facility it would afford in transporting stores at all seasons of the year, particularly during the winter months when heavy rains render the present route impassable, that to allow the construction of a plank road would not injure in the least the public grounds, but enhance the value of the public reserve, and be of infinite advantage to the government. They therefore recommend that the right of way for a period of ten years be granted to the said J. M. Pindell, with the understanding that the government have the free use of said road without any taxation during that period.

The undersigned recommend that the road shall follow the course which shall be designated by the senior engineer or the quartermaster at the Presidio, so as to avoid its encroaching on the Presidio or the grounds in the vicinity of Fort Point. They do not deem it necessary to recommend any appropriation for the completion of the road, or that it should be turned over to the county after the expiration of the time specified; this would come more properly from the memorialist, it being partly of a private nature.

Should the road be allowed to pass through the reserve, it is recommend that, previous to commencing it, there shall be articles of agreement drawn up between the parties undertaking its construction and the assistant quartermaster at the Presidio, jointly with the senior engineer, so as to define its limits and the extent of the right intended to be granted to the *government and the* contracting party.

All which is respectfully submitted to the commanding general for consideration.

Respectfully, major, your obedient servant,

O. CROSS,
Major and Quartermaster.
J. G. BARNARD,
Brevet Major Engineers.
J. L. FOLSOM,
Captain and Assistant Quartermaster.

Major E. D. TOWNSEND,
Ass't Adj't General, Dep't of the Pacific, San Francisco.

QUARTERMASTER GENERAL'S OFFICE,
Washington, July 10, 1854.

SIR: I have carefully examined the letter of Major General Wool, dated the 31st May last, and accompanying papers relative to a plank road, which it appears a Mr. J. M. Pindell wishes to construct from San Francisco to the Pacific ocean, coast of California, passing through the military reserve at the Presidio, San Francisco. Mr. Pindell, in his communication to the general, states that he annexes a survey of the road. This is not found with the papers, and without it it is difficult to form an opinion of what benefit, or what injury, if any, might be sustained by granting the right of way applied for.

The Board of Officers appointed by General Wool, recommend that the right of way be granted for a period of ten years on certain conditions, but do not deem it necessary to recommend any appropriation for the completion of the road, or that it should be turned over to the county after the expiration of the time specified. This would come more properly from the memorialist, *it being partly of a private nature.* The memorialist (Mr. Pindell) asks not only a right of way to be deeded to the county, but an appropriation to assist in building the road.

General Wool states that the distance through the reserve is about *two* miles, and would cost, as estimated, about $76,000; that if the right of way be granted, and he would not recommend any other rights or privileges, it is *expected by Mr. Pindell* that the government would pay the cost of so much of the road as would pass through the military reserve, but that he will accept of any amount that Congress may think proper to grant.

The whole length of the road is stated to be three and a half miles; and the application is that government give a right of way for more than half the distance, make the road, and, in return, to be allowed the privilege of passing over it, free of charge, for ten years; after which it is to be given up to the county.

Such a road might be of some advantage to the government—to what extent, from the data furnished, I am unable to determine. It seems to me that the principal or main object of Mr. Pindell is, to have a road from which he is to derive most, if not all the advantage, affording the inhabitants of San Francisco easy access to the ocean-shore, for the purpose, probably, of forming a watering place. This may be all very

proper and desirable on the part of those concerned, but I cannot discern anything in the papers to induce me to think that the government would be very materially benefitted by the operation, taking the cost, &c., of it into view, and therefore respectfully recommend that no action be had on it without further and more particular information on the subject.

The papers are herewith returned.

I remain, sir, most respectfully, your obedient servant,

CHAS. THOMAS,
Deputy Quartermaster General in charge.

Hon. JEFFERSON DAVIS,
Secretary of War, Washington.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, June 1, 1854.

COLONEL: Coming events often cast their shadows before them. It is rumored that the headquarters of the Pacific department are to be moved to Benicia; this would be unfortunate, in as much as there are no public quarters which could be occupied by the staff, and the expense of hiring offices and quarters would not be diminished.

In addition to this, the expenses of moving to Benicia would be large. Besides, our communications with the headquarters of the army would be delayed two weeks. The mail from the east arrived last evening, consequently in time to acknowledge our communications by the steamer that leaves to-day. The mail leaves to-day for Benicia. San Francisco is the centre of business, and from this point communications can, at all times, be more easily and promptly forwarded through the department. I am quite sure if the headquarters of the department should be transferred to Benicia, they would, in three months, be ordered back to San Francisco.

Please to forward this communication to Washington, with such remarks as the general-in-chief may think proper to endorse on it.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

To Lieut. Col. L. THOMAS, *Asst. Adj. Gen.*,
Headquarters United States army, New York.

HEADQUARTERS OF THE ARMY.
New York, June 28, 1854.

The request of Brevet Major General Wool to retain the headquarters of the department of the Pacific at San Francisco, is approved by the general-in-chief, and respectfully forwarded for the consideration of the Secretary of War.

L. THOMAS.
Asst. Adj't Gen.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, June 14, 1854.

COLONEL: Nothing of very grave importance has transpired since the 14th ultimo, except a collision between some whites and Indians, near Fort Jones, when one or two on either side were killed. I herewith transmit Lieutenant Bonnycastle's report of the facts.

About one hundred and fifty tons of ordnance and ordnance stores arrived a few davs since, at Benicia, and a much larger amount, I am informed, is on its way from the Atlantic, and is expected in the course of two months.

We will require another building in addition to the one recently erected, to store this property. As the draft for the first payment of this building was not honored, I do not feel authorized to direct the erection of another building for its storage or preservation. To store it in a private building, besides the danger of destruction by fire, the storage in six months would cost as much, or more, than another building, which seems indispensable for its security and preservation. I must, therefore, ask what shall be done in such case with this property?

Count de Raousset Boulbon left some time since, with ten men, for Guayamas. We have in this city and in the neigborhood a large number of Americans and Frenchmen, ready at a moment to embark for Sonora, where, it is said, the precious metals may be found in great abundance. It is thought that my presence alone keeps them from organizing. If I should leave for the country for a week or ten days, which my health requires, I have no doubt an expedition would be fitted out against Sonora.

June 15.—I had written thus far, when I received an order to remove the headquarters of the Pacific department to Benicia, and withdraw the troops from the Presidio, and order them elsewhere. This is as unexpected as I think it will be seriously injurious to the public service. Here, everything concentrates, and must be distributed to the military posts. Three-fourths of all the supplies are transported coast wise, being first transmitted to Benicia, and placed in depot, and brought back when wanted for distribution.

The establishment of headquarters at Benicia, instead of being a measure of economy, will prove to be one of increased expenditure to the government. The travelling of staff officers from Benicia to San Francisco, which cannot fail to be frequent, in order to procure supplies, and to attend to receiving and re-shipping stores arriving from the east, will increase the expenses to a large proportion of what can be saved in commutation by the transfer of the headquarters.

At Benicia, I find the headquarters of the 3d artillery; the quartermaster informs me that there are no more quarters at that post than are required for the officers already stationed there, that is, Lieutenant Colonel Nauman, his adjutant, regimental quartermaster, one company with its allowance of officers, assistant quartermaster, assistant commissary of subsistance, two ordnance officers, an assistant surgeon, besides the non-commissioned staff and band. The two companies at that post, recently arrived from the east, (one of them in tents,) have *been* waiting for their baggage, which was left at Panama. It arrived

st evening, and they will proceed at once for Forts Miller and Read-
g, under Pacific department special orders, numbers 52 and 56.

To carry out the requirements directing the two companies at the
residio to be sent elsewhere, I find myself somewhat embarrassed.

I can send one company to Fort Vancouver, which I intended to do
s soon as Brevet Lieutenant Colonel Steptoe arrived with the two com-
anies under his command. For the other I have no position, unless
put the men in tents. All the quarters at the various posts are occu-
ied, and there are no quarters or barracks for either officers or men,
nless I send them to Monterey; and it would appear very extraordi-
ary to take the troops from San Francisco, leaving this place without
rotection, and send them to Monterey where they are not needed, and
here they are not accessible to any other place. In my letter to you
February 28, I remarked that "I found myself very much embar-
ssed from the want of troops to prevent expeditions from being fitted
t from this port. I fear the operation of this order will be to invite
ch expeditions, to say nothing of the impossibility of preventing them
ould they be undertaken.

That these remarks may not seem inconsistent with representations
have heretofore made of the want of troops in this department, and
pecially in my letter to Major General Scott of March 31, I must say
at my instructions from the honorable Secretary of War extend my
mmand over Utah; that when I left the east it was supposed a law
ould be passed increasing the number of regiments in service, and in
ew of that increase I hoped to reserve one or more regiments to be
sted in Utah. The late communications of the Secretary of War to
e make me hesitate to assume the responsibility of erecting new quar-
rs at any of the posts, and by the disposition already made of the
oops in this State, Oregon, and Washington Territories, all the quar-
rs are fully occupied. Of course I cannot send two or three com-
anies to Utah. Hence my present embarrassment in relation to sta-
oning the two companies now at the Presidio, and the two under
ieutenant Colonel Steptoe.

I have been waiting for the return of Colonel Mansfield, who has
one to inspect fort Yuma. On his return he will visit the reserve
elected by Lieutenant Beale, to ascertain, at my request, (see copy of
tter of May 12, enclosed,) whether a military post is needed on the
serve, and, if so, to select the position. As soon as this was done, I
tended to place two companies on the reserve and to erect quarters
r them.

To do this will cost some thousands of dollars. I am apprehensive,
owever, that the expenditure will not be approved. Hence I shall
esitate before I give the order.

Until this post is established, I have no place for the other company
ow at the Presidio. It will not cost half as much at the Presidio as
would 100 miles in the interior. But why take all the troops from
e Presidio? They are intended for the protection of San Francisco,
hich, above all other places in the Pacific department, requires pro-
ction and defence. The bay may become the rendezvous of English,
rench, and Russian ships-of-war. It seems to me we ought to be in
position to keep the peace. A Russian man-of-war is reported to be

on the coast. Should she enter the harbor and find French and English merchant ships, she might capture them if there were not batteries to prevent it. If this should occur, it would place us in an unfortunate position as a neutral power. It was for these and other reasons that I ordered batteries to be erected in the harbor of San Francisco, and my course meets the views of the engineers and other officers of the staff. They cost but a few hundred dollars; the principal expense being occasioned, I believe, in the transportation of the guns. The batteries do not interfere in the slightest degree with the regular works.

In conclusion, I have only to remark that the order of transfer cannot be executed without turning out of their quarters Lieutenant Colonel Nauman and his officers, who would be compelled to go into tents or take quarters in the village, a mile from the post. This, surely, was not intended by the general-in-chief, who had already made the post of Benicia the headquarters of the third artillery. If, therefore, the order is not promptly complied with, it will be because it cannot be done without doing a great injury to the service, and one which could not have been contemplated by the Secretary of War when he dictated the order. I feel assured if he had known at the time the situation of affairs at San Francisco and Benicia, he would not have ordered the transfer.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Lieut. Col. L. THOMAS,
Assist. Adjt. General, Headquarters of the Army,
New York City, N. Y.

HEADQUARTERS OF THE ARMY,
New York, July 13, 1854.

The general-in-chief approves of the views expressed within in relation to the transfer of the headquarters of the department from San Francisco and the stationing of troops.

Respectfully referred to the adjutant general.

L. THOMAS,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, May 12, 1854.

COLONEL In making your official tour through the Pacific department I would ask your particular attention to the posts as now established; whether their location is such as to give the best protection to the white inhabitants and restrain the Indians; whether the posts should be temporary or otherwise; whether the buildings and improvements have been made with reference to the comfort of the troops and the preservation of the public property; and, lastly, whether any changes can be made for the better protection of the whites and Indians.

Lieutenant Beale, who possesses the confidence of the administration, has established a reserve for the location of the Indian tribes at the Tejon Pass. This measure appears to meet the approbation of the Secretary of War, and from the success which Lieutenant Beale has met with, the happiests results are anticipated. He proposes to add to his present reserves two more, making four in all. If we can get the Indians to settle on these reserves, and to cultivate the soil, it will not only preserve these people who are fast disappearing by disease and other causes from the face of the land of their fathers, but relieve us of much trouble and a great expense of maintaining military posts in the interior. So far as California is concerned, if the plan can be carried out, and I think it practicable, it would reduce the military posts in the interior to two, at most to three. Forts Miller, Reading, and Jones, could be dispensed with, which are now kept up at a very heavy extra expense. The estimate for two months amounts to more than $21,000.

Lieutenant Beale thinks that within a very few years he will be able to concentrate the greater number of the Indians in California at the Tejon Pass. If this can be done, it would reduce the interior posts to the Tejon Pass and Yuma.

This latter post, Yuma, is considered an important position at the present time, and will continue so, unless by treaty the Mexican boundary should be carried further south, when it may become a question whether or not it ought to be given up. I propose to station at this post two full companies of artillery, and at the Tejon Pass a company of artillery and a company of dragoons.

To all which I would be much pleased with your opinion after your inspection and examination.

My aide-de-camp, Lieutenant Moore, will accompany you to assist you in the discharge of your arduous duties.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel J. K. F. MANSFIELD,
Inspector General U. S. Army, San Francisco, Cal.

FORT JONES, CALIFORNIA,
May 28, 1854.

SIR: I have the honor to report that about the 12th instant I was informed by one of the Indians encamped at this place that an outrage had been attempted on a white woman living between Yreka and the Klamath river, during the absence of her husband, by an Indian called "Joe," of the Shasta tribe, and that the Indian had been prevented from accomplishing his purpose by the resistance of the woman, and by the arrival of some white men, on whose near approach he fled. I immediately sent Lieutenant Hood to inform the chief of the Shastas, "Bill," that I required the unconditional surrender of the Indian "Joe," that he might be punished.

Lieutenant Hood, with the Indian agent, Mr. Rosborough, saw the

chief, and made my demand known to him. Bill made an effort to extract a promise that Joe should not be hung, and at the same time expressed himself as being angry that the offence had been committed. I had, however, directed Lieutenant Hood to require an unconditional surrender of the Indian for two reasons: because I wished to test the protestations of friendship I had received from these Indians, and because, intending as I did, to hand the offender over to be tried by civil authority. I could not answer for his being only punished strictly according to law.

After some hesitation, Bill promised that the offender should be delivered to me at the fort within two days. Three days having elapsed, and having heard nothing of Bill, on the 16th instant I started from this post with all of the force at my disposal for the purpose of compelling the surrender of Joe. On reaching Yreka my camp was visited by two of the principal Indians of the Scott Valley band, who expressed themselves as very anxious that Joe should be given up, and endeavored to obtain a promise from me that he should not be hung. This promise I refused to give for the reasons already stated, but agreed that in case the offender should be surrendered before I reached the Klamath river, I would return to Fort Jones satisfied; but if I was forced to cross the river to get him, I told them that I should hold the tribe responsible for his misconduct, and that I should engage the services of a large band of De Chute (Oregon) Indians to aid me in catching and punishing them.

Early the next day I resumed my march without holding any further communication with these Indians, although solicited to do so, but before having marched ten miles I was overtaken by an old Indian, formerly chief of the Shastas, and three other Indians, all mounted. The old chief was very anxious that I should go with him to see that the woman had not been hurt, and it was with some difficulty that I could make him understand that the intention was almost as culpable, whether successful or not. Indeed, the Indian could not see why I spoke of the offence as being of such magnitude, when their squaws are constantly run down, sometimes by men on horse, and raped.

Having ascertained where I intended camping that night, getting me to promise that I would await there his return, the next day the old man, with the other Indians, pushed on for the camp of the Shastas in the mountains, promising before he left that Joe should be given up the next day.

I encamped then at the Willow Spring, within a few miles of the Klamath, on the night of the 17th instant, and purposed remaining at this point until the evening of the next day, in order to give Bill every chance of remaining at peace with us; but just at dark a messenger from Cottonwood arrived with the information that at noon that day a pack train had been attacked on the Siskigon mountains by Indians, and one of the two men with the train killed, the other barely escaping.

The Siskigon range being the country through which the Rogue river chief known as "Tipsha Tyee" and his band roam, I at once concluded that it was he who had attacked the train; and this being a blow at the *interests* of almost all of the citizens of this section of the country, I *resolved* to follow him up as rapidly as possible, with the hope of being

ible to catch and punish the Indians engaged in the murder. My promise to the Shasta Indians to await their arrival at my camp, with he necessary preparations for quick movements, prevented me from eaving until midday, when the Shastahs, not having arrived, we started for the Siskigon, having our pack animals under a guard, and every man carrying one blanket, with ten day's rations of bread and pork. That night we reached nearly the top of the mountain. From Willow Spring I sent Lieutenant Hood back to Yreka, to inform Sem-tes-tis, the chief of the De Chutes, of my being called off in another direction, and early on the morning of the 18th he overtook me at the point where the murder had been committed, accompanied by some thirty-eight of the De Chutes, well mounted, and anxious to aid in the capture of Tipsha. These Indians having made a long march, contrary to my wish, I was forced to remain that day on the mountain with them, that their horses might rest and graze. At daylight on the 19th, taking the trail of Tipsha, we started across the mountain, and marched more than twenty-five miles, mostly over a very rough country. The De Chutes, being well mounted, and riding anywhere, with practiced eye detected signs of the retreating Indians, when but few whites could have detected any indication that they had passed. By the sign, the De Chutes asserted that six Indians were engaged in the murder. Late in the afternoon we reached a point where the signs indicated that the Indians had recently encamped, and halting spies were sent out, who on their return reported that two Indians had gone off to the northward, up a valley, with the mules taken from the train, while the other four, with seven horses, stolen from some drovers two nights before, had gone in the direction of the *cave* on the Klamath, and that one Indian, afoot, had been traced going up the valley quite recently after the Indians with the mules. This Indian they believed to be one of some adjacent tribe, who, having come to visit the camp at which we were halted, and finding it deserted, was returning to his home.

The direction taken by the Indians with the horses inducing me to believe that the murder had been participated in by the Shasta Indians, I determined to pursue *them*, and to inflict severe punishment. Following their trail, then, at nightfall we encamped, and at daylight next morning moved on toward the cave. About ten o'clock the De Chute scouts discovered the Shasta camp, and bringing back the information, we hurried forward, with the expectation of engaging them before they could gain their stronghold.

On reaching the brink of a tall bluff opposite to another on the top of which the Shasta camp was, we were hailed by an American, who called out that Captain Goodall was with the Shastas, and wished to see me. Supposing that he was there to inform me that the Indian "Joe" had been given up, and that he knew nothing of my having tracked the murderers of the packer to this camp, I told Captain Goodall to come over to me, when I expected that on learning the facts I had to communicate, he, with the three men with him, would join me in an attack on the Shastas. However, on reaching me he informed me that Tipsha had come into *the Shasta* camp about thirty-six hours before, and *had proposed, after telling* them of the murder he had just

committed, that they should join him in waging war on the whites; and instead of agreeing to this, the Shastas had killed Tipsha, his son, and his son-in-law, the fourth Indian with him escaping, and being doubtless the Indian whose foot-tracks the De Chutes had seen the evening before.

Captain Goodall further stated that these Indians were very anxious to remain at peace; that the Indian Joe had been brought in about two hours after I had left my camp at the Willow Spring, where I had promised to wait, and had then gone on to the Yreka, where he remained two days, when he had returned with him to the Shasta camp; that immediately on killing Tipsha two Shasta Indians had brought his scalp, with that of his son, to him in Yreka, soliciting his interference to prevent my attacking them when Tipsha's trail should have led me to their camp, when by authority of the Indian agent he had come out.

Sending my company and the De Chute Indians to find a camp, accompanied by Lieutenant Hood, Captain Goodall, the chief Sem-tes-tis, and one or two others, I passed over to the Shasta camp, where I was received by the Indians with every demonstration of confidence and friendship.

After expressing my approbation of their course in killing Tipsha, I demanded that the horses, &c., taken from him and the boy Joe should be given up to me, to which they gave prompt assent, and Captain Goodall volunteered to bring Joe in with him the next day, to which, under the circumstances, I agreed. Having talked with them for some time, assuring them of my friendship so long as they behaved, and advising them to come in and learn to work, &c., I told them to catch up the horses taken from Tipsha, as I wished to take them with me. This was done at once. And after, at their request, giving them a paper, requesting that they might not be molested by the whites, I mounted and rejoined my company in camp, from which we moved on that night to the Klamath, and on the next day camping beyond Yreka.

I rode into town for the purpose of making some arrangements with Mr. Rosborough as to the disposition of the Indian Joe when he should be brought in by Captain Goodall. On reaching Mr. Rosborough's room I found Captain Goodall had just arrived there, and, to my astonishment and regret, he had neglected to bring Joe. He gave several excuses for his omission, but deeming none of them sufficient, I spoke very plainly to him of his violation of a voluntary promise, and told him that having started out to get Joe, I was determined to have him, even though I was compelled to retrace my steps. Captain Goodall, who had omitted to bring the Indian in with him, not thinking of the importance attached to his voluntary surrender, admitted his error, and told me that he would start back that night and get him. The Indian agent having given to Captain Goodall a note authorizing him to bring in Joe, he started the same night with the chief Bill, who was in Yreka, for the Shasta camp, and I returned with my command for Fort Jones.

Captain Goodall, knowing that both the Indian agent and myself desired the Shasta Indians to come into Scott valley, determined without my knowledge to endeavor to induce the whole band to come in at *once*, and on his way to their camp unguardedly stated such to be his *intention* in conversation with several white men. Having reached the

Shasta camp, the band readily agreed to accompany him to Fort Jones, and on the morning of the 24th instant they all started the Indians, numbering, men, women, and children, some sixty; reaching the Klamath ferry on the afternoon of this day, they camped some two hundred yards above the ferry, when the chief Bill, with five of his men, wishing to cross the river for the purpose of bathing, left their arms in the camp, and went with Captain Goodall to the ferry. On arriving opposite the ferry they saw four white men with the De Chute chief Sem-tes-tis, the latter of whom had that same day promised me solemnly not to molest the Shastas, advancing to the water's edge on the opposite shore with rifles. Captain Goodall at once seeing that the Indians were to be attacked told them to run, and called to the whites not to fire, that he was acting by authority. Five of the Indians with him ran, the chief Bill being lame was unable to do so; they were all fired into both by the whites on the opposite side of the river, and by others on the same side with the Indians. In fact, they were completely surrounded by whites and the De Chutes, who had been hired to engage in this villainous affair.

The chief Bill was severely wounded at the first fire, two other Indians were killed, and two others escaped very badly wounded. A white man named *McStuart* went up to Bill for the purpose of scalping him while yet alive, but Bill struggling with him got his knife away, when this man, after having beat him about the head with his pistol, shot him several times; after which he was scalped by a man named *Brickey*, I understand. When not yet dead he was thrown into the Klamath river.

Most of the Indians having escaped into the adjacent chapparal, where they lay concealed, the whites began a search for them; during which an Indian from behind his bush fortunately shot and killed a white man named McKaney.

The De Chute Indians who had not done much towards killing the Shastas plundered their camp, stealing four children, six or seven horses, and several guns; and one of them, I am informed, at the instigation of the man Brickey, indecently mutilated one of the murdered Shastas, and afterwards the band started with their plunder for Rogue river.

Before dark of the same evening the Shastas who had escaped came opposite the ferry-house and called the Cottonwood men cowards, &c., dared them out to fight, an invitation which these men declined, preferring the shelter of a heavy log-house, on which the Indians fired repeatedly for more than an hour.

Captain Goodall came on to Fort Jones at once and informed me of this cowardly and brutal murder on the part of the whites, when, mounting six men on mules, with Lieutenant Hood, I started for Cottonwood for the purpose of obtaining such information as might enable me to bring the whites to punishment, and by sending Lieutenant Hood on to Fort Lane to recover the children, &c. stolen by the De Chutes, that they might be returned to the Shastas. I ascertained the particulars of this murder to be as already stated, but could obtain no information as to the names of more than three white men engaged in it; these were *Brickey, McStuart*, and E. M. Geiger.

Mr. Rosborough accompanied me and made every effort to obtain information for the purpose of bringing the murderers to trial. We should have obtained writs for the three men named, and Judge Peters, of the district court, who took a warm interest in the matter, would have caused a grand jury to be summoned that they might be indicted, had Mr. Rosborough and myself not been perfectly well aware that in this section of the country actions of this nature would only result in the escape of the guilty parties, the greater number of the populace vilely regretting, not that they have among them such murderous scoundrels, but, that since the assassination of the Shastas was attempted, it had not been completely successful.

The Shastas vowed vengeance against *all* the whites, and I feared that innocent persons living on farms within their reach might be made to suffer for the acts of those who sought immunity from retribution in the town of Cottonwood.

I, however, sought the Indians, whom I have had encamped here during the winter, and explaining the whole matter to them, and telling them that I had sent to recover the stolen children, &c., and that I would make every effort to have the guilty whites punished.

I directed them to see the Shastas, and to tell them that the soldiers and many white citizens were friendly to them; that if I had known they were coming in I should have been at the ferry with a party of soldiers to protect them, and that I wished them to retaliate only on those men who participated in the murder of their chief; that if they killed no other whites I should have nothing to say.

From this act of treachery I feared that any influence I might have with these Indians, any confidence which my treatment of them might have inspired, was all lost, but much to my surprise and gratification, on night before last, just after my return from Cottonwood, two of the Shastas, one a boy, brother to the murdered chief, came into Yreka, and sent word to Mr. Rosborough and myself that they wished to talk with us.

Yesterday morning early they came to Mr. Rosborough's room, and we had a long talk with them. They stated that they knew the men who had attacked them, that they were satisfied that *all* the whites were not treacherous, and finally promised to endeavor to induce the remainder of the band to come to Fort Jones. Mr. Rosborough fed them, made them some presents, and took them under his protection, as even in Yreka there are white men who would murder these two unarmed Indians if they could do so with safety. The Shastas are to send me word if they will come here; and in case they wish to do so, I shall have a party of soldiers to protect them on their way, as I should have done before had I known that they intended coming in.

Captain Goodall deserves the highest praise for his constant and humane efforts in behalf of these Indians, by which he has lost much time and money, and has moreover rendered himself disagreeably unpopular with the vagabond mass of the community. It was unfortunate that he attempted to bring the Indians in just when he did, or that, intending to do so, he should have avowed his purpose to whites *on the* road; but he had not arrived at the same just opinion of the character of many of the mining populace as that which had already

ed itself upon me some months since, when, with the same object
iew, I took care to have a party of soldiers at the ferry. Mr.
ger proposes leaving for the Atlantic States on one of the steamers
ving San Francisco on the 15th of June, and I would respectfully
gest that, if possible, he be arrested in San Francisco, to be tried
re before the United States court. I shall endeavor to send an affi-
it, with reference to his participation in the murder, by the next
ress. This is the course proposed to be pursued by Mr. Ros-
ough with reference to the other men engaged in the matter so soon
he can get their names.

would respectfully call the attention of the commanding general
the fact that these Indians when attacked held a paper from me
nded to guarantee their safety, while Mr. Goodall was acting with
written authority of the Indian agent, and I hope, by that, the
st severe measures may be taken against the murderers.

n conclusion, I feel called on to express my admiration of the firm-
s and energy of Mr. Rosborough, the Indian agent, with reference
his murder, and to express a hope that he may be promptly sup-
ted by the superintendent of Indian affairs in his efforts to bring
murderers to justice.

With reference to the first portion of this communication, the pur-
: of Tipsha Tyee over a rough mountainous country, making
g and fatiguing marches, the energy and zeal of Assistant Sur-
n Sorrel, Lieutenants Crook and Hood, and of the men of com-
y "E," 4th infantry, is gratefully reported for the information of the
mmanding general.

am, sir, your obedient servant,

J. C. BONNYCASTLE,
First Lieutenant 4th Infantry, Commanding.

General JOHN E. WOOL,
Commanding Department of the Pacific,
San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, June 16, 1854.

SIR: I have the honor to acknowledge the receipt of general orders,
6, special orders, Nos. 58 to 76 inclusive, letter of May 9, relative
rdering medical officers to New York, letter of May 17, in reply to
nonstrance against the withdrawal of Major E. D. Townsend, assist-
adjutant general, from duty in this department.

am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Col. S. COOPER,
Adjutant General, United States army.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, California, July 1, 1854.

COLONEL: Under an impression that an arrangement could be made by which the order of the Secretary of War removing the headquarters of the Pacific department to Benicia could be carried out, I issued orders No. 8, herewith enclosed. On a more strict examination, however, I find it impracticable, without doing a great and a serious injury to the public service, and I have therefore deemed it proper to suspend its execution until I have heard again from the general-in-chief or the Secretary of War, when I cannot doubt the order will be revoked, and for the following reasons:

1. There are not at the post of Benicia, it being the headquarters of the third artillery, to exceed twelve rooms beyond those occupied by the officers already stationed there, while I would require for myself and staff, including officers, three times that number. The order does not admit of hiring quarters in the town of Benicia.

2. If I should withdraw all the troops from the Presidio, I have no doubt the military reserve would be taken possession of by squatters, and consequently subject the government to the loss of more than a million dollars, at the same time interfere with the arrangements indispensable to the erection of the permanent fortifications now in progress at Fort Point. (See Major Barnard's letter, herewith enclosed.)

3. A guard of one company seems necessary to protect this property, together with the ordnance and other property at the post, the latter of which would cost a considerable sum to transport it to Benicia, and which would be necessary in order to preserve it. There are no more quarters at this post than would be necessary for the officers of one company and an assistant surgeon.

4. The post of Benicia is an inappropriate place for the headquarters of the Pacific department. Every thing concentrates at San Francisco. Here all supplies are purchased not coming from the east, and all contracts made for carrying supplies coastwise or in the interior of the country, and where most of the discharged soldiers in the department come to receive their pay on being discharged. Hence the necessity of the chiefs of the quartermaster, commissary, and pay departments being stationed in San Francisco. These should be near the commander of the department, who is required to approve of all estimates, contracts, and drafts made on the government. These duties bring the chiefs in close contact with the commander, who requires personal conferences in order to satisfy himself of the necessity of the estimates, contracts, and drafts.

5. Instead of the removal being one of economy, it cannot fail to become one of increased expenditure, and in consequence of the almost daily travelling of the staff to and from San Francisco.

6. Instead of communications from these headquarters to the headquarters of the army once a month, it could only take place once in a little more than six weeks. It would therefore take *three* months instead of *two* to obtain replies to communications from the headquarters of the army.

For these reasons, and others transmitted in my communication of *the 14th* ultimo, I have suspended the execution of the orders trans-

ng the headquarters of the Pacific department and of withdrawing troops—except one company—from the Presidio and ordering ı elsewhere. I cannot but hope that they will be duly considered approved by the general-in-chief, as well as the Secretary of War. mail steamer is just in from Panama. The mail for Benicia will be sent up before to-morrow. If any communications are in that intended for these headquarters they cannot be acknowledged be- the 16th instant, when the mail will again leave for the east.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

S.—The only officers necessary to be here are the commander e department, the assistant adjutant general, the chief quartermas- commissary, and paymaster, and if it were left to my discretion I ld order all the rest to Benicia or the Presidio. If there were ters there, the Presidio would be the proper place for the head- ters of the department.

JOHN E. WOOL,
Major General.

eut. Col. L. THOMAS,
Assist. Adj't General, Headquarters of the Army,
New York City, New York.

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[Endorsements.]

oncur in the views herein expressed and commend them to the etary of War.

spectfully submitted.

WINFIELD SCOTT.

LY 25, 1854.

spectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

JUTANT GENERAL'S OFFICE, *July* 31, 1854.

ferred to the quartermaster general for information as to the quar- at Benicia, the commutation allowances for headquarters at San cisco, and such other points as are presented within bearing on the ions of the quartermaster's department.

JEFFER. DAVIS,
Secretary of War.

GUST 2, 1854.

spectfully returned to the Secretary of War. There were 48 nable rooms on the 30th June, 1854, in addition to which were tic rooms. *General Wool, in* a recent letter to this office, says *there are only fourteen rooms* unoccupied at Benicia. Whether

those occupied have been assigned in accordance with the regulations, the reports in this office do not state.

I estimate the commutation to officers at San Francisco at twenty-two thousand dollars per annum. The officers there consider the rates entirely too low, and are urging an increase.

TH. S. JESSUP,
Quartermaster General.

AUGUST 3, 1854.

The views within are not concurred in. The report of the quartermaster general confirms the opinion of this department on which the order to remove the headquarters was given.

JEFFER. DAVIS,
Secretary of War.

WAR DEPARTMENT, *August* 16, 1854.

SAN FRANCISCO, *June* 24, 1854.

SIR: As the chief engineer of fortifications on the coast, I feel it my duty to call your attention to the probable consequences of an entire removal of the garrison from the Presidio.

You are aware that a large reservation of land for military purposes has been made and is now held by the government. This reservation was made for the purpose of securing the sites of the fortifications at Fort Point and their auxiliary outworks, and of the fine location for barracks for troops at the Presidio.

A brief glance at the configuration and topography of this reservation will at once convince you that, large as it may appear, no part of it can be relinquished without serious detriment to the military service.

In outline it is a triangle, the apex of which is at Fort Point, the two adjacent sides being washed by the waters of the bay, and the third side, or base, is the line running across the peninsula, from shore to shore, and dividing the reserve from private property towards San Francisco. The apex of this triangle is the site of the fortifications now under construction at Fort Point—the most important of the whole system of harbor defence. Along the base and near the boundary line are three points, either now or hereafter to be occupied, viz: the Presidio, (at present occupied,) the Presidio hill, 800 yards distant, and the hill formerly occupied as a telegraph station, about three-quarters of a mile from the Presidio and one mile from Fort Point.

Both from its proximity to the fortifications and its local advantages, the Presidio is unquestionably the best site for barracks for troops on the bay of San Francisco. The two last mentioned points have been selected by the board of engineers, who were appointed to devise the project of harbor defence for this harbor and bay, as the sites of redoubts considered indispensably [necessary] to securing the harbor *batteries* at Fort Point from an attack on the land side.

Thus you will perceive that, large as the reservation may appear, *the points* actually to be occupied are distributed throughout its whole

ea, and that it would be highly detrimental to the public interests to linquish any part of it.

It is a well known fact that school warrants, and other claims, are cated over every portion of this reserve, and that nothing but the tual presence of a military force strong enough to repel intruders pre- nts, at the present moment, the whole reserve from being occupied r squatters; and I think that I may venture to predict that one week ill not have elapsed, after the withdrawal of the garrison, before the hole surface of the reserve will be thus occupied. Two weeks hence million of dollars will not suffice to recover to the government prop- ty which it must have, and of which it now holds quiet possession.

With regard to the propriety, in a military point of view, of with- awing the entire military force, at such a period, from this city and ay, I presume it would not be decorous in me to speak, as these ings ought to be as well understood at Washington as here; but I ay take the liberty of supposing that the government would not thus ave abandoned its own property had the facts I have endeavored to t forth been clearly understood.

I am, very respectfully, your obedient servant,

J. G. BROWN,
Brevet Major Engineers.

Major General JOHN E. WOOL,
Commanding Department of the Pacific.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, June 30, 1854.

ORDERS, NO. 8.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, June 21, 1854.

The following orders and instructions have been received from the eadquarters of the army.

rom the Assistant Adjutant General at army headquarters, dated May 18, 1854.

I respectfully enclose herewith, a copy of a letter from the Adju- nt General to the general-in-chief, of the 17th instant. The latter irects that you will please take the necessary measures, without delay, carry out the instructions of the Secretary of War, as therein ex- ressed.

From the Adjutant General, dated May 17, 1854.

The Secretary of War desires that instructions may be given for the ansfer *of the headquarters of the* department of the Pacific from San

Francisco to Benicia, and that the public quarters and the barracks at that place be used for the accommodation of the officers and offices connected with the department headquarters. A guard, not exceeding a single company, is deemed sufficient for the protection of the stores at Benicia. Such staff officers as it may be absolutely necessary should remain behind, must be quartered at the Presidio, near San Francisco, or, if permitted to live in the city, they must do so at their own expense, as commutation for quarters and fuel will not be allowed them. The foregoing is to be construed as applying to all staff officers reported on the department returns as being stationed in San Francisco. The Secretary of War further directs, that the troops be withdrawn from the Presidio and ordered elsewhere.

SPECIAL ORDERS, No. 80.

HEADQUARTERS OF THE ARMY,
New York, May 18, 1854.

[Extract.]

1. By direction of the Secretary of War, the headquarters of the department of the Pacific will be transferred from San Francisco to Benicia.

By command of Major General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

In conformity with the foregoing orders, the headquarters of the department will be established at Benicia, on and after the 1st proximo. Official communications will be directed accordingly.

Brevet Major R. Allen, assistant quartermaster, will remain in the performance of his duties at this station, and will, after the removal of the troops, take charge of the reserve, public buildings, and property, at the Presidio.

All the other officers of the general staff, now on duty in this city, will move with the headquarters to Benicia.

Company L, 3d artillery, will be prepared, without delay, to proceed to Fort Vancouver. Company M, 3d artillery, will receive orders as soon as it can be assigned to another post.

The quartermaster's department will furnish transportation for the above movements.

By command of Major General Scott.

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, July, 1854.

SIR: I have the honor to acknowledge the receipt of general orders, *No.* 7, special orders, from 77 to 87, inclusive, copy of a letter dated

May 27, authorizing Captain E. D. Keyes to delay his departure for his company until July 5.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General, U. S. Army, City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, July 12, 1854.

COLONEL: I received by the last mail, via Benicia, your letter of the 29th May, relating to Major McKinstry, of the quartermaster's department. In reply to the request of the Secretary of War, to report the considerations which induced me to send Major McKinstry back to the station from which, in the opinion of Brigadier General Hitchcock, the public interest required his removal, I have only to say, that I was influenced by no other considerations than those which have governed all my actions since I took command of the Pacific department—the good of the service. If Major McKinstry deserved punishment, it should have been inflicted by the sentence of a court martial, which the court of inquiry did not recommend. If his integrity was doubted, he certainly ought not to have been ordered to another post, where the opportunity would be three-fold greater to wrong the government.

I have no reason, however, to suppose from anything contained in the opinion of the court of inquiry, that his honesty or his integrity should be called in question, nor does General Hitchcock, in his remarks upon the proceedings, impute any moral delinquency to Major McKinstry.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adjutant General U. S. Army, Washington city.

[Endorsement.]

Respectfully submitted to the Secretary of War with a copy of the letter to which this is an answer, and a copy of the order of General Hitchcock, promulgating the proceedings of the court of inquiry in the case of Major McKinstry.

S. COOPER,
Adjutant General.

ADJUTANT GENERAL'S OFFICE, *August* 14, 1854.

ADJUTANT GENERAL'S OFFICE,
Washington, May 29, 1854.

GENERAL: Observing in your "Special Orders," No. 37, of the 25th

ultimo, the reassignment of Brevet Major McKinstry, of the quartermaster's department, to the San Diego depot, from which he was relieved in January last by your predecessor, for reasons set forth in Department Order No. 1, of the 12th of that month, I am instructed by the Secretary of War to invite your attention to this order, and to request that you will report the considerations which have induced you to send Major McKinstry back to the station from which, in the opinion of Brigadier General Hitchcock, the public interest required his removal.

I am, general, very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Brevet Major General J. E. Wool,
Com. Dep't of the Pacific, Benicia, California.

ORDERS, No. 1.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, January 12, 1854.

The court of inquiry instituted by "special orders," number 61, dated headquarters, Pacific division, November 17, 1853, at the request of Brevet Major J. McKinstry, assistant quartermaster, to examine into certain accusations or imputations made against him by Mr. C. J. Couts, has reported the following facts and opinions:

The matters investigated were certain allegations made by Mr. C. J. Couts, against Major McKinstry, mostly contained in a letter addressed May 2, 1853, by Mr. Couts, to the Quartermaster General, United States army, and may be arranged as follows:

I. Undue interference in the elections of San Diego county in 1852.

II. Gambling in his own quarters, and at public gaming tables.

III. Bribing one F. R. Maritousky to sign a voucher against the United States.

IV. Fraud, or some improper transactions connected with vouchers signed by F. R. Maritousky.

V. Supporting the rancho of Santa Isabel at the expense of the quartermaster's department.

VI. Paying employés of the department less money than they signed receipts for.

VII. Transporting private goods in public wagons.

1. In reference to the first allegation, it appears that several government wagons, filled with employés of the quartermaster's department, were driven from the depot, in Major McKinstry's charge, to a democratic nominating convention, held in Old San Diego, in October, 1852; but from the evidence adduced, it is the opinion of the court that this was done without the sanction or knowledge of Major McKinstry.

2. That there is no evidence to show that Major McKinstry, during the fall of 1852, (the time stated,) gambled either in his own quarters, or at public gaming tables.

3. That, in the opinion of the court, no evidence was adduced to support the allegation of bribery.

4. It appears that F. R. Maritousky signed, during the second quarter of 1852, two vouchers against the United States, one purporting to be for two hundred and fifteen fanegas of barley, at $8 per fanega, signed by Maritousky, in the name of "Lorendo Soto and company," of which firm he was a member; another for two hundred and fifty tons of hay, at $30 per ton. That said Maritousky furnished himself a portion of the barley, while the remainder was probably furnished by Indians to the troops and trains of the United States, early in the year 1852; that the officers receiving this barley gave to the Indians orders for its value on Major McKinstry; that many of these orders came into the possession of Maritousky, and he signed the receipt for the whole amount, and in the opinion of the court the government received the amount of barley paid for.

That the first item, (25 tons of hay,) called for in the voucher marked B, was probably furnished by the Indians, in February, 1852, and the Indians were paid for it by Major McKinstry, who had the amount introduced into Maritousky's voucher; that the third item was furnished by Mrs. Redington, and that it was introduced into Maritousky's accounts, for the reason that Mrs. Redington did not write her name; that the value, $450, was paid to Mrs. Redington. The court have in vain sought evidence of the delivery of the remaining items called for in voucher B, amounting to two hundred and ten tons of hay, excepting by the labor of men, employed and paid by the quartermaster's department; and the court are of the opinion that the transaction was, notwithstanding the difficulties which existed that year in procuring forage, an unnecessary departure from the system presented by regulations.

5. It appears that the rancho of Santa Isabel is the property of Mrs. McKinstry, the wife of Major McKinstry; that this rancho has been used since early in 1852 as a sub-depôt, and as a general feeding and grazing place for the public animals pertaining to the Gila trains; that it is a fine grazing rancho, every way desirable for the purpose, and that its occupation is greatly conducive to the interests of the public service, in keeping the public animals in good order. It is claimed by Major McKinstry, and believed by the court, that the United States government has not paid the owner of the rancho for its use, or for the grass consumed by, and cut for the public animals; that the rancho has not been improperly maintained at the expense of the quartermaster's department, but it is the opinion of the court, that there has been an unnecessary mingling of public and private interests in the management of the affairs of the rancho.

6. The imputation made during the progress of the investigation, that Major McKinstry has paid employees of the quartermaster department less money than he signed receipts for, was not at all sustained by evidence in the case of John Van Alst, the only one presented.

7. It appears that public teams have been made to transport, from San Diego to a store kept at Santa Isabel, considerable quantities of goods; but in the opinion of the court Major McKinstry was not himself interested in those goods, nor did he receive pay for their transportation, and no attempt appears to have been made to conceal the act from Major McKinstry's superiors. It must be added by the court that

the evidence of several witnesses would seem to show that, considering the condition of the grass at Santa Isabel in the summer of 1852, and the routes followed by the trains, that the full amount of forage called for in the returns maked S, T, U, V, W, X, and Y, could not have been issued, but from a full consideration of all the circumstances the court are of the opinion that the issues may have been made as therein stated.

The court have, at the special request of Major McKinstry, made a thorough examination of the accounts and papers of Major McKinstry, and have placed on file in the appendix all such as they have deemed it possible could throw any light upon the subjects investigated.

The court has been greatly inconvenienced by the fact that so long a time has elapsed since the occurrence and investigation of the acts in question. The evidence has been, on the most important points, conflicting and unsatisfactory.

II. The general commanding the department has carefully examined the testimony and opinions of the court of inquiry in the case of Brevet Major J. McKinstry, assistant quartermaster. The proceedings of the court are approved, and its opinions are concurred in.

It appearing therein that Brevet Major McKinstry has been instrumental in creating embarrassments in the execution of his public duties at San Diego, he will be relieved at the depôt at that place, temporarily, by Lieutenant Eddy, without unnecessary delay, and will then repair to Fort Reading and report to the commanding officer to relieve Captain Miller, assistant quartermaster at that post.

This change of station has been rendered necessary by the condition of things brought about by Major McKinstry at San Diego; first, by a departure from the regulations in the mode of making purchases of, or through, F. R. Maritousky; and second, by the purchase, as the attorney of his wife, of a rancho so situated as to make it difficult, if not impossible, to discharge his public duties without the hazard of mingling private with public interests. In giving these orders and the reasons for them, the general does not assume that any actual pecuniary loss has been sustained by the United States in the payment of the Maritousky vouchers, nor does he deny the right of an officer to purchase, either in his own or his wife's name, property in the market for sale. But it is not just either to the officer, to the quartermaster's department, or to the army, that an officer should be required to remain at a post where he cannot discharge his public duties without incurring suspicions to the prejudice of his own and the public interest; and when, as in the present case, the embarrassments have been created chiefly by the agency of the officer himself, it becomes more imperatively necessary to change his station.

III. The court of inquiry, of which Brevet Major A. B. Eaton is president, is dissolved.

IV. Captain M. S. Miller, assistant quartermaster, on being relieved by Brevet Major McKinstry, at Fort Reading, will proceed to San Diego and relieve Lieutenant Eddy in charge of the quartermaster's depôt.

By order of General Hitchcock:

E. D. TOWNSEND,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
Washington, July 12, 1854.

GENERAL: Your orders upon the proceedings of the garrison court martial, convened at the Presidio of San Francisco pursuant to "post orders" No. 3 of May 27, as conveyed to Brevet Major Thomas by your letter of June 13, declaring the proceedings void, for the reasons stated, have been received and *are approved.*

I have the honor to be, general, very respectfully, your obedient servant.

W. G. FREEMAN,
Assistant Adjutant General.

Brevet Major General J. E. WOOL,
Com'ding Dep't of the Pacific, Benicia, Cal.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, July 28, 1854.

SIR: I have the honor to acknowledge the receipt of general orders No. 8 and special orders from 88 to 98.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adj't General U. S. Army, city of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, July 31, 1854.

SIR: I have the honor to forward herewith copies of a correspondence with the legation of the United States at Mexico on the subject of the Mexican consul's arrest in this city.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. JEFFERSON DAVIS,
Secretary of War.

LEGATION OF THE UNITED STATES,
Mexico, April 22, 1854.

SIR: In an interview with the minister of foreign relations of the government of Mexico, he informed me that intelligence had been received of the imprisoument of the Mexican consul, Señor Vallé, at San Francisco by the federal or military authority of the United States. In reference to which, *though not* well advised of the particulars, he

requested to make the following remarks, and desired of me to communicate the same to you :

"With the view of destroying all motives for the lawless enterprises which the Count de Raousset was attempting to stimulate amongst the French in California, and indirectly to further the measures adopted by the United States government to this end, instructions have been transmitted by his government to Señor Vallé to offer as an allurement to those Frenchmen who might be induced to enlist with Raousset military service in the Mexican army for a certain term, at the expiration of which lands were to be apportioned them as colonists; that these instructions had not been given with the slightest idea of violating the laws of the United States, or of forming any hostile organization in the territory of a friendly nation, since they had been published in the public prints of San Francisco, without mystery, on the part of Señor Vallé. Notwithstanding the spirit and intent with which these instructions were issued, should they happen to come in contact in their execution with any prohibition of the United States, the government withdraws them, and would ask neither men nor arms without previous permission of the proper authorities; and that Señor Vallé had been directed not to give the least cause of offence to the authorities, but in every respect to yield obedience. In consequence of this frank explanation the minister desires the consul to be put at liberty, and left in the free exercise of his functions; and should he on any future occasion act in contravention of the laws or provisions made by the United States, information be given him of the fact that he abstain from further violation."

Not being in possession of the circumstances, I feel called upon simply to bring the substance of the minister's remarks to your notice, in compliance with a desire expressed by his excellency, to avoid misunderstanding upon a subject that cannot be represented in Washington before the next twenty-five days.

Very respectfully, your obedient servant,

JOHN S. CRIPPS.

General Wool, *Com'ding U. S. forces, Cal.*

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, July 29, 1854.

SIR: Your communication of the 22d April last, relating to the arrest of the Mexican consul, was not received until yesterday, from M. E. Barron, esq., who reports himself as acting consul for Mexico, in the place of Señor del Vallé, who leaves this day on his return for Mexico.

In reply to which, I hasten to observe that soon after my arrival in San Francisco, Watkins, who had raised publicly in the streets of San Francisco two hundred and forty men, and conducted them to Walker, returned, and, as I was informed, in connexion with Count Raousset, was engaged in raising more men to reinforce Walker. It was under *these* circumstances that I asked for the arrest of Watkins, when he was tried and convicted. Soon after I learned that the Mexican con-

sul was engaging foreigners, principally Frenchmen, to emigrate to Guayamas. I called on Señor del Vallé, to ascertain the object, when he informed me that he had instructions from President Santa Anna to procure a thousand men, and to include in the number as many Frenchmen of Count de Raousset's party as he could detach from the count to settle in Sonora, and do fealty to the government, for which lands would be given them. I asked him if he was aware of the character of the men he was about to engage. He replied that he thought they could be relied on, as they would come recommended by the passports of the French consul, to whom he had written on the subject, and that he had chartered the ship Challenge to convey them to Guayamas. I informed him that he had been deceived, and that the party, instead of settling in the country and doing fealty to the government, would become a fillibustering one, and I had no doubt would be commanded by Count Raousset de Boulbon, who intended to relieve Walker from his perilous condition. At any rate, I remarked that it was an ill-timed expedition, and whether intended for good or evil purposes, would give me a vast deal of trouble. If it was permitted to depart, as it was generally understood to be a fillibustering party, it would encourage others so inclined to follow, and, instead of checking fillibustering against Mexico, it could not fail to promote it. Being satisfied of the truth of what I said, Señor del Vallé set about to break the contract made with Chauviteau and Cavailler, from whom the ship Challenge had been chartered to take the men to Guayamas. Afterwards, however, being overruled by the advice of the French consul, he determined to fulfil his contract, and to send to Guayamas the 1,000 men, principally Frenchmen, to be followed by 2,000 more. Being assured myself that he was deceived, and that if either the 1,000 or 3,000 men should be landed in Sonora, that they would be commanded by Count de Raousset, and that he would take possession of the country, either as revolutionist or in the name of the French government, I determined to break up the expedition. Hence the arrest of the Mexican consul, his trial, and conviction. It is, however, due to the consul to say that I do not believe originally that he had any intention of violating the neutrality laws of the United States. He was the dupe of the French consul, who, I have no doubt, was acting in concert with Count de Raousset, for the purpose of introducing into Sonora, under the sign-manual of Santa Anna, three thousand Frenchmen, to be commanded by the count, and for the purposes above mentioned. Hence the great anxiety of the French consul that the ship Challenge should proceed with the expedition, and hence his repeated pledges to me, notwithstanding his letter to the French consul at Guayamas, herewith enclosed, of the "honor of France and his own honor that these men would never fight for Santa Anna, for they were all red republicans and revolutionists."

By the detention of the ship Challenge, and other obstacles thrown in the way of fitting out the expedition, the schemes of the French consul and Count de Raousset were defeated, which compelled Walker to abandon Lower California, and surrender himself and party as prisoners. The result of which was the arrest, trial, and conviction of Watkins, Emory, the Mexican consul, the arrest and trial of the French consul. The *latter was acquitted*; the jury stood ten for conviction and

two for acquittal. If he had been tried a second time, he would unquestionably have been convicted.

With the Guayamas letter, I send you a correspondence between myself and the French consul. You will observe that in a conversation with him, in the presence of the Mexican consul and others, when I charged him with aiding in the fitting out of a fillibustering party, he declared that he knew nothing of the expedition, and in giving or granting passports to Frenchmen he was only acting in accordance with the wishes of the Mexican consul. In his letter to me, of the 20th March, where he alludes to giving passports, he says: "I had no advice to give them whether they had better go or stay." From all which M. Dillon intended that it should be inferred that he knew but little about the expedition, and cared less. And yet, by his letter of the 27th March, it would seem that he knew all about it, and that he took a deep interest in the success of the expedition; at the same time takes great credit to himself for detaching from Count de Raousset five hundred and fifty men, who were to enter the Mexican army, and were to receive the same rank and pay that they had in the French army. One or two days before the date of that letter, he repeatedly pledged the honor of France, and his own honor, that the same party were merely emigrants going to settle in Sonora, without reference to the performance of any military duty whatever, and that I might rest assured they would never fight for Santa Anna, for they were all red republicans and revolutionists.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

JOHN S. CRIPPS, esq.,
Chargé d'Affaires, U. S. Legation, Mexico.

ADJUTANT GENERAL'S OFFICE,
Washington, August 3, 1854.

GENERAL: Your communication of July 1, to the assistant adjutant general at the headquarters of the army, reporting that you had suspended the execution of the orders directing the transfer of the headquarters of the department of the Pacific from San Francisco to Benicia, has been submitted by the general-in-chief to the Secretary of War, by whom I am instructed to say, that the subject was fully considered before the change was directed, and he now sees no sufficient reasons for revoking the order. The transfer of your headquarters will, accordingly, be made as originally directed. If, however, the presence of troops at the Presidio of San Francisco be necessary to prevent intrusions upon the government reservations at that place, the Secretary of War directs that a sufficient guard be left for that purpose.

Very respectfully, sir, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. JOHN E. WOOL.
Com. Dep't of the Pacific, San Francisco, California.

ADJUTANT GENERAL'S OFFICE,
Washington, August 4, 1854.

SIR: Upon referring to my communication of yesterday, in relation to the guard to be left at the Presidio of San Francisco, to prevent intrusions upon the government reservations at that place, I find it not so positive as the Secretary of War desires it should be, and I am now instructed by him to say, that a guard of sufficient strength to effect the object above indicated will be left at the Presidio.

Very respectfully, general, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. JOHN E. WOOL,
Com. Dep't of the Pacific, San Francisco, California.

ADJUTANT GENERAL'S OFFICE,
Washington, August 4, 1854.

SIR: I have the honor to enclose, herewith, a copy of the instructions of the War Department, of the 2d instant, charging Second Lieutenant *John Withers*, fourth infantry, with the construction of the extension of the military road from Myrtle creek to Scottsburg, Oregon Territory.

It is the intention of the War Department that Lieutenant Withers should not relinquish his appointment as regimental quartermaster, or be separated from his military duties to any greater extent than may be absolutely necessary for the execution of the duties entrusted to him by the Secretary of War.

Very respectfully, general, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. JOHN E. WOOL,
Com. Dep't of the Pacific, San Francisco, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 14, 1854.

SIR: I have the honor to acknowledge the receipt of general orders No. 9, and special orders from 99 to 108.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL.
Major General.

Colonel S. COOPER,
Ad't Gen'l U. S. Army, city of Washington, D. C.

ADJUTANT GENERAL'S OFFICE,
Washington, August 16, 1854.

GENERAL: The Secretary of War directs that company I, 1st artillery, be detailed, and held *in readiness* for duty as the escort of that portion of

the Mexican boundary commission, engaged in the survey of the boundary from the Colorado river to the Rio Grande. The company will take with it only such clothing, camp, and garrison equipage as may be required in the field, and as it will not return to California, you will direct that the battery, and other property not required on the march, to be turned over to the proper departments in California. It is, of course, impossible to determine here how long the company will be engaged on this duty, but you will please give such directions as will insure its being properly supplied and equipped for the service required of it. The officer in charge of the survey will be instructed to report to you when the services of the escort will be required.

Very respectfully, general, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. JOHN E. WOOL,
Com. Dep't of the Pacific, Benicia, California.

WAR DEPARTMENT,
Washington, August 18, 1854.

SIR: Your letter of the 30th of May has been duly received. You permit yourself to employ a style of complaint, and even in some degree, of reproach to the department, on account of the decision on Captain Stone's drafts, and the instructions sent to you in my letter of the 14th of April, in regard to your authority to suppress illegal expeditions against the Mexican territory. In this connexion, I will here take occasion to remind you that while you choose to hold the high commission of general in the army, you assume an obligation to render due respect and cheerful obedience to the authority and orders of this department.

The department did not object to the prudence and economy of your orders for the erection of a suitable storehouse in the ordnance depôt at Benicia. Of this you must have been sensible, from the terms in which the decision of the department was communicated to you, and from the further fact that there was no appropriation applicable to the object for which you had ordered the expenditure. If, therefore, Captain Stone "had been subjected to the sacrifice," as stated in your letter, the responsibility of placing him in that position rested with yourself and not with this department.

An appropriation was made in the army appropriation act on the 4th instant, for the purchase of a site and erection of an arsenal at Benicia. Under the act of September 11, 1841, (Cross' Military Laws, 272,) no part of this appropriation can be expended until the Attorney General shall have given his opinion that the title to the site is valid, and the legislature of California shall have given its consent to the purchase. Pursuant to this provision of law the deeds have been submitted to the Attorney General, and an application forwarded to the governor of California to procure the consent of the legislature. When *these* conditions shall have been fulfilled, the appropriation will be *available* to refund the amount expended by Captain Stone in building

To reimburse the expenses incurred by the protest of the draft, &c., will require a special act, which an effort was made by the department without success to procure at the last session, but which it is hoped will be passed hereafter.

My letter of the 14th of April, is explanatory of the instructions of the 12th of January, so far as relates to unlawful expeditions against the territories of foreign powers. It is not necessary to argue whether your construction of them is sustained by their letter. It is sufficient to the department to presume that the interpretation you originally put on them was sincere, and that you acted in accordance with that interpretation; but, when you received my letter of the 14th of April, stating to you the construction that the department designed you to place on your instructions, you should have been content to act in conformity thereto. Doubtful questions may arise in regard to the powers vested in the President to enforce our neutrality laws, and the extent to which he may devolve authority for that purpose upon military officers. These laws have not yet received, in all points, a full judicial consideration. But it is understood from the language of the Supreme Court that the President *may* authorize a general in command to use his command *directly* against violators of these laws, and without the interposition of the civil authorities. But the court were also of opinion that this "high and delicate power" ought only to be exercised when "by the ordinary process, or exercise of civil authority the purposes of the law cannot be effectuated," and when military or naval force is "necessary to ensure the execution of the laws." Upon these principles the instructions to you were framed, and it was only designed that you should act in coöperation with the civil authority, and in cases where your aid was necessary to sustain and enforce that authority.

But the instructions of the 12th of January embraced other matters which had been confided to you of equal importance, and which, if attended to, would necessarily have required your presence elsewhere than in the city of Francisco, for, at least, a portion of your time; and this was the more expected from the assurances of your determination to make a thorough personal inspection into every branch of the military service embraced in your command. The department is not aware that these inspections have yet been made, however advantageously they might have resulted to the service.

You again refer to your oft-repeated requisitions for more troops, and, notwithstanding my letter of the 14th of April was sufficiently full and explicit on this point, and, although you admit that you could not expect any more regiments until an increase of the army by an act of Congress, you permit yourself to censure the department for not sending you a certain number of recruits, which, you remark, you "might have at least expected," when you could not, by any possibility, know whether the department had that particular number, or, indeed, any number at its disposal; yet, when required to remove your headquarters to Benicia, you state, among the reasons why this change should not be made, the difficulty of finding places for the troops then at Benicia *and at the Presidio.* It would but add to the difficulty to *send additional troops to your* command, so long as you entertain the

opinion that troops cannot be posted in the field except at places where barracks are prepared for their accommodation.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Brevet Major General JOHN E. WOOL.

WAR DEPARTMENT,
Washington, August 28, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, enclosing copies of your correspondence with the legation of the United States at Mexico, on the subject of the arrest of the Mexican consul at San Francisco, and to inform you that the attention of the State Department has been called to them.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Brevet Major General JOHN E. WOOL,
Com. Dept. of the Pacific, San Francisco, Cal.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 29, 1854.

SIR: I have the honor to acknowledge the receipt of special orders from 109 to 120, and letter of 12th of July, approving my action on a garrison court martial at the Presidio.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General, U. S. Army, city of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 31, 1854.

COLONEL: Herewith I enclose a letter, dated the 16th of August, 1854, from the collector of the port of San Francisco, with my answer, dated the next day, the 17th of August, which I request the general-in-chief will have forwarded to the Secretary of War.

I am, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Lieutenant Colonel L. THOMAS,
Assis't Adj't Gen'l, headquarters army, New York.

[Endorsement.]

HEADQUARTERS OF THE ARMY,
New York, September 26, 1854.

Respectfully forwarded by command of General Scott.

L. THOMAS,
Assistant Adjutant General.

Respectfully submitted to the Secretary of War. The correspondence transmitted by General Wool relates to the anticipated organization of a hostile expedition against the Sandwich Islands.

S. COOPER,
Adjutant General.

ADJUTANT GENERAL'S OFFICE, *September* 29, 1854.

[Confidential.]

CUSTOM-HOUSE, SAN FRANCISCO,
Collector's Office, August 16, 1854.

SIR: I deem it my duty to inform you that I have been *confidentially* advised by the United States commissioner at the Sandwich Islands, D. L. Gregg, esq.. that two persons, named J. D. Blair and —— Lathrop, arrived in this city by the steamer Polynesian, from Honolulu, a few days since, having in view the organization of a force intended to operate against the present government of those islands, and to declare its separate independence.

The commissioner further states that the said Blair and Lathrop are *ostensibly* warm supporters of the projected annexation of that country to the American Union, but are, in fact, devising schemes hostile to such annexation and to American interests in the Pacific.

If you still regard this subject of fillibustering as coming within the range of your present duties, I shall be pleased to confer with you, and to second any plan you may propose to check the evil in question.

Very respectfully, your obedient servant,

RICHARD P. HAMMOND, *Collector.*

Major General JOHN E. WOOL,
U. S. Army, Comd'ing Pacific Div., San Francisco, Cal.

A true copy: E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 31, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 17, 1854.

SIR: *I have received your* confidential communication of the 16th

instant, by which I am informed that J. D. Blair and —— Lathrop arrived in this city by the steamer Polynesian, from Honolulu, a few days since, having in view the organization of a force intended to operate against the present government of those islands, and to declare its separate independence."

In the conclusion of your communication you remark that "if you still regard the subject of fillibustering as coming within the range of your present duties, I shall be pleased to confer with you, and to second any plan you may propose to check the evil in question."

In reply to all which I would observe that since the trial of Watkins and others for violating the neutrality laws, I have received from the Secretary of War the following instructions. Referring to previous instructions on the unlawful expeditions sailing from the coast of California, he says: "It was not expected or desired that the military commander should do more than belongs to the ordinary relations of the civil and military power, and in instructing you to aid the civil authorities, it was not intended that you should originate arrests and prosecutions for civil misdemeanors."

By which you will perceive I am restricted to simply rendering aid to the civil authorities in all cases of fitting out unlawful expeditions against foreign powers.

In conclusion, I have only to remark any aid coming within the purview of my instructions will be most cheerfully and promptly rendered to the civil officers in all cases touching the violation of our neutrality laws.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. R. P. HAMMOND,
Collector, San Francisco, California.

[Endorsement.]

If the collector desired the military commander of the Pacific department to originate arrests and prosecutions for civil misdemeanors he has properly declined, and his decision to confine himself to rendering assistance when required by the collector to aid him in the discharge of his duties is in conformity with the views of this department. Copies of the within correspondence having been sent direct to the Secretary of State, and received at the State Department before it reached the War Office, it is unnecessary to make any communication to that department on the subject.

JEFFERSON DAVIS,
Secretary of War.

WAR DEPARTMENT, *October* 1, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, September 11, 1854.

SIR: I have the honor to acknowledge the receipt of—
General orders, No. 10.
Special orders, from 121 to 132.
Letter of August 4, enclosing instructions to Lieutenant Withers.
Letters of August 3 and 4, in relation to the change of department neadquarters.
Two packages of blanks.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL.
Major General.

Colonel S. COOPER, *Adj't General, U. S. Army,*
City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, September 14, 1854.

SIR: I have the honor to report, that a military post is now being built at the Cañada de las Uvas, fifteen miles southwest of the Tejon Indian reservation, which is to be called Fort Tejon, to indicate its location. I have assigned Brevet Lieutenant Colonel B. L. Beall, major 1st dragoons, to the command, and company A, 1st dragoons, is now there as a garrison. The recent reduction of the limits of the reserve prevented the post from being placed within its limits; Santa Barbara, California, is now the nearest post-office. Having in June last heard reports of Indian hostilities, near Whidby's island, W. T., I sent instructions to Lieutenant Colonel Bonneville, at Fort Vancouver, to render any assistance in his power, in that section. I have just received, in reply, a report from Lieutenant Russell, commanding Fort Steilacoom, in which he states that the difficulties are for the present settled. "The disturbance had its origin in the *supposed* murder of two or three white men by the Indians. The chief ones engaged in those outrages have been apprehended, and are now in confinement in the guard house, at this post, awaiting trial by the cival authority of the territory." "The most recent difficulty was occasioned, by a descent of a party of northern Indians, residing in the Russian territory, upon the settlements in Bellingham bay. This is the most northern portion of Washington territory, being within a few miles of the 49th parrallel. The settlers there are more liable to the incursions of the tribes beyond the jurisdiction of the United States, who are able to make a descent in their canoes, and retreat before any force can be brought against them. The only sure method of effectually cheeking these Indians, at the same time giving additional security to the settlements between this post and that point, would be, in my opinion, to establish a post of one company at Bellingham bay, or in that vicinity."

Lieutenant Colonel Bonneville remarks, in addition to this, that acting Governor Mason thinks, "the only effective method to check the incursions *of the Russian Indians* is to have on Puget sound a steam

revenue cutter," to pursue them in their canoes. I have not now an available company for the new post suggested by Lieutenant Russell, but shall take this measure into consideration by the time Lieutenant Colonel Steptoe arrives with his battalion. He ought soon to be here.

In reply to a communication to Captain A. J. Smith, 1st dragoons, commanding Fort Lane, in which I called his attention to apprehended difficulties with the immigrants and the Indians, near Gosse Lake, he informs me that all necessary measures have been taken in that quarter, and he is on the alert to prevent disturbances. It seems a company of volunteers has been mustered into service, by the authority of the governor of Oregon, but Captain Smith is of opinion that they were not needed, and that it was done upon the representations of speculators, who expected to be benefitted by furnishing supplies.

Reports from Major G. J. Rains, 4th infantry, commanding Fort Dalles, O. T., informs me, that "on August 20, the emigrants *en route* for the west were attacked on Boise river, a branch of the Snake river, and eight men killed, and four women and five children carried away captives, with all their property.

"Assistance was asked for by the Indian agent, (Mr. R. R. Thompson,) and others, and I, (Major Rains,) dispatched Brevet Major Haller, Lieutenant Macfeely, and Assistant Surgeon Suckley, with 26 soldiers, to the scene of difficulty." Major Haller left August 30, and since, a company of volunteers having offered, 30 strong, their services were accepted, and they were furnished with arms, horses, ammunition and rations, and left here, (Fort Dalles,) yesterday, August 31.

The scene of this outrage was fifteen miles from Fort Boise, and about three hundred miles from Fort Dalles, the nearest military post. The Win-nass Indians, who are those concerned, are said to number six hundred warriors, and are believed to be all hostile.

Lieutenant Colonel Bonneville has sent company L, third artillery, from Fort Vancouver to the Dalles, with 6,000 rounds of cartridges. A Mr. John F. Noble, living on Malheur river, twenty miles west of Fort Boise, who appears to have influence with the Indians, has also gone out with a half-breed Snake Indian, to endeavor to recover the captives and their property. Colonel Mansfield, inspector general, happened to be at Fort Dalles when the information arrived there. He writes from Fort Vancouver, the 4th instant, that "Major Raines has acted promptly and efficiently. He was able to mount all the infantry and volunteers, and Colonel Bonneville has sent the artillery company from this post to Fort Dalles. No further steps need now be taken as to movement of troops at this season of the year, till further developments."

I enclose herewith a copy of instructions sent to Lieutenant Colonel Bonneville, to use all diligence which the means at his disposal will permit. A part of the office furniture attached to the department headquarters was sent up to Benicia some ten days ago. I am only waiting for the return of the transport to move the remainder. An accident which happened to the vessel has detained her. As will be seen by "special orders," No. 86, I have sent a detachment from the company at the Presidio to Fort Orford to relieve the detachment from the

company at Benicia barracks, this arrangement appearing to be more in accordance with the views of the honorable Secretary of War.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Lieut. Col. L. THOMAS, *Assist. Adjutant General,*
Headquarters of the army, New York.

HEADQUARTERS OF THE ARMY,
New York, October 12, 1854.

Respectfully referred to the adjutant general.

L. THOMAS,
Assistant Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

Inquiry will be made as to the cause of the small limits of the reserve. The posts designed to protect and control the Indians, to be collected on the military reserves, to be effective, should certainly be on the reserves. The want of troops in Oregon is apparent, and will be remedied as soon as possible.

JEFF'N DAVIS,
Secretary of War.

WAR DEPARTMENT, *October* 13, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, September 13, 1854.

SIR: Your two letters of August 31, in relation to Indian difficulties on Puget sound and Boise river have been received.

The general commanding entirely approves the measures taken by yourself and Major Raines, and he desires you to omit no proper expedient to maintain peace in the Territories of Washington and Oregon. The troops and depôt at Fort Vancouver are intended to operate in any quarter where they may be needed, and the general relies upon your energy and judgment to turn them to the best account. He desires you to send a mountain howitzer to Fort Dalles if there is not one already there, and, if occasion should arise, you will not hesitate to forward any ammunition or other stores to any post within your range.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Lieut. Col. B. L. E. BONNEVILLE, *4th infantry,*
Fort Vancouver, W. T.

ADJUTANT GENERAL'S OFFICE,
Washington, September 15, 1854.

SIR: It is observed, by the July past return of Fort Humboldt, that Captain Judah has been transferred from company E to company F, 4th infantry, by a regimental order, No. 33, of June 10, 1854. As regimental commanders under the regulations have no power to make such transfers, you will please direct Lieutenant Colonel Bonneville to revoke his order. Captain Floyd Jones has succeeded by regular promotion to company F.

I am, sir, very respectfully, your obedient servant,
S. COOPER, *Adjutant General.*

Brevet Major General J. E. WOOL,
Comd'g Dept. of the Pacific, Benicia, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 26, 1854.

SIR: I have the honor to acknowledge the receipt of general orders 11 and 12, special orders from 133 to 141, letter of August 16, detailing company I, 1st artillery, as an escort to the boundary commission, letter of August 16, in relation to issue of provisions to the parties on Mexican boundary survey.

I am, sir, very respectfully, your obedient servant,
JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adjutant General U. S. Army, City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 27, 1854.

SIR: I enclose herewith copies of a correspondence with the Hon. James Gadsden, our minister to Mexico, which I request may be forwarded to the War Department.

I also enclose, for the information of the general-in-chief, a copy of a letter from Brevet Colonel Wright, dated the 20th instant, in relation to Indian affairs.

I am, sir, very respectfully, your obedient servant,
JOHN E. WOOL, *Major General.*

Lieutenant Colonel L. THOMAS,
Ass't Adj't Gen'l, Headquarters of the Army, New York City.

[Endorsement.]

HEADQUARTERS OF THE ARMY,
New York, October 28, 1854.

Respectfully referred to the Adjutant General.
L. THOMAS, *Ass't Adj't General.*

Respectfully submitted to the Secretary of War.
W. FREEMAN, *Ass't Adj't General.*

ADJUTANT GENERAL'S OFFICE, October 30, 1854.

LEGATION UNITED STATES,
Mexico, August 2, 1854.

DEAR SIR: It appears from recent intelligence from Guayamas that Count de Raousset has succeeded in placing himself at the head of the French recruits whose embarkation from San Francisco you essayed without success to arrest, and threatens an emeute in Sonora, which has given much alarm to the high functionaries of this central power. The minister of relations informs me that he has advices of expeditions preparing at San Francisco to embark and aid in co-operation of the designs of the French fillibusteros, whose beginnings seem to be of higher promise than those under the lead of an unsuccessful predecessor. I place at your disposal, and as a stimulus to your vigilance, the information conveyed by the minister, that you may act in the premises as your instructions direct.

The conduct of both the French and Mexican consuls merit the severest reproof from their respective governments, and Mexico can have no just cause of complaint against the United States while she permits an accredited subordinate officer to connive at, if not to encourage, illegal enterprises from an American port, reserving at the same time the right of remonstrance.

These proceedings, however inexplicable, cannot deter you, however, from fulfilling the obligations which our government recognizes as binding in all the relations with other powers, illustrating in practice what our political institutions inculcate.

If the French and Mexican consuls at San Francisco are not dismissed, I have suggested to the State Department the obligation of the government of the United States withdrawing their exequaturs without delay.

Yours truly and respectfully,

JAMES GADSDEN.

Major General WOOL,
San Francisco.

A true copy: E. D. TOWNSEND, *Ass't Adj't General.*

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 27, 1854.

BENICIA, CALIFORNIA, *September* 25, 1854.

DEAR SIR: By the last steamer from Panama, the 20th instant, I received your communication, via New Orleans, dated the 2d instant, relating to advices to the Mexican minister of foreign relations, that an expedition is preparing at San Francisco to embark in aid and co-operation of the designs of the French filibusteros, commanded by Count de Raousset, near Guayamas.

In reply, I would remark, that soon after I arrived at San Francisco I was called on to put in execution the following instructions from the Secretary of War and from the President of the United States:

"WAR DEPARTMENT,
"*Washington, January* 12, 1854.

"SIR: In addition to the ordinary duties of the military command to which you have been assigned it is deemed proper to direct your attention to certain special duties which will devolve upon you.

"Among these will be the duty of maintaining our international obligations by preventing unlawful expeditions against the territories of foreign powers, Confidence is felt that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously co-operate with the civil authorities in maintaining the neutrality laws."

The President in his proclamation of the 18th January, 1854, having reference to all who might violate our neutral obligations with Mexico, "calls upon all officers of this government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment every such offender."

Under the positive and unequivocal instructions of the Secretary of War and President's proclamation, I was the cause of the arrest, trial, and conviction of Colonel Watkins and the Mexican consul, and the trial of the French consul, who was not convicted. The jury stood ten for conviction and two for acquittal. Had he been tried a second time, he would unquestionably have been convicted. (See my letter to Mr. Cripps, in your absence, dated July 27, 1854.)

After these arrests, trials, and convictions, I received from the Secretary of War the following interpretation of his instructions:

"WAR DEPARTMENT,
"*Washington, April* 14, 1854.

"SIR: * * * * * * *

"Your remarks in relation to unlawful expeditions sailing from the coast of California suggests the propriety of referring you to your instructions upon this subject. It was not expected or desired that the military commander should do more than belongs to the ordinary relations of the civil and military power; and in instructing you to aid the civil authorities it was not intended that you should originate arrests and prosecutions for civil misdemeanors. You will readily perceive that consequences injurious to the public service would probably follow from such interference by the military with the functions of the civil officers."

By all which, you will perceive, I have been restricted in my powers and required to await the call of the civil officers to aid them in the execution of the neutral obligations of the country. Since the receipt of his interpretation I have waited the call of the civil officers, but no call has yet been made.

Several expeditions have been talked of; one to aid Count de Raousset, which has been checked by his recent defeat and imprisonment at Guayamas. Another is contemplated to the Sandwich Islands, to revolutionize the government and establish an independent republic.

An agent, as I am informed, has gone to Honolulu to ascertain whether such a movement would be successful. On his return, if he should report favorably, an expedition, no doubt, would be immediately fitted out for the Sandwich Islands. Whether or not the civil authorities have adopted any measures to defeat such a scheme I am not informed. Having been ordered to make my headquarters at Benicia, I am beyond the reach of news, or the means of ascertaining what is going on in San Francisco. Dillon, the French consul, and some of the filibustering community, assert that my removal to Benicia is condemnatory of my course towards them.

I have the honor to be, with considerations of the highest respect, truly yours,

JOHN E. WOOL,
Major General.

His Excellency JAMES GADSDEN,
Minister Extraordinary and Plenipotentiary
to the Government of Mexico.

HEADQUARTERS, FORT READING,
September 20, 1854.

MAJOR: A few days since I received a deputation of the principal chiefs and headmen of the Indians residing on the lower Pitt and McCloud rivers, the same whom I visited in August. They appear to be very friendly disposed towards our people, and give every assurance of doing all in their power to prevent any depredations being committed by their young men. As an instance of their sincerity and determination to preserve peace and a good understanding, they related to me several times the punishment they had inflicted on one of their men who had stolen a sack of flour from a citizen residing at or near Pittsburg, a small mining town north of Pitt river. It appears that they traced out the thief, recovered the flour and returned it to its owner, and executed the Indian on the spot. I had previously received the same report from respectable white people in that vicinity. Some evil disposed person had circulated a report among these Indians that my design in getting them to visit the post was to put them all to death, and they were some days on the Pitt river before they approached this place, and it was only through the influence of the chief of the Cow Creek Indians (Nometeneman) that they were persuaded to do so. They were perfectly satisfied with the result of their visit, and everything is now perfectly quiet.

As we have no Indian agent in this district, I have been compelled to assume that duty myself, according to the regulations. At the councils I have held with them remote from this post, as well as the deputations I have received from different tribes, I have necessarily had to issue to them provisions. I have given them but a very small quantity, yet I know not how far I am authorized to issue them any articles of food from the commissary stores; but under the special circumstances of the case, I doubt not of approval.

I feel that *the Indians in northern* California have been much neg-

lected. The large appropriations made by Congress have been expended mostly in the southern portion of the State, save only *two* bales of red cloth sent to me, which I have given out.

Very respectfully, your most obedient servant,

G. WRIGHT,
Brevet Colonel U. S. Army, Commanding.

Major E. D. TOWNSEND,
Assis't Adj't Gen., Headquarters Depart. of the Pacific, San Francisco, California.

A true copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 27, 1854.

ADJUTANT GENERAL'S OFFICE,
Washington, October 2, 1854.

GENERAL: Second Lieutenant *J. G. Parke*, topographical engineers, has been directed to make an exploration of the country between Los Angelos, California, and Fort Fillmore, New Mexico, and the Secretary of War directs that a fort escort of an officer and (not to exceed) fifty rank and file be organized, and directed to report to that officer at Los Angelos, California, at such time as he may indicate to you. A suitable officer, (First Lieutenant *Stoneman*, 1st dragoons, if he is within reach) will be detailed to perform the duties of quartermaster and commissary to the expedition.

If Lieutenant *Parke* should consider a smaller number of men than that above indicated sufficient for his purposes, you will please reduce the strength of the escort in accordance with his wishes.

The escort will be organized from the companies of the 3d artillery serving in southern California.

You will please direct that the escort be provided with everything essential for efficient service; but as it will return to California when this duty is completed, only the camp and garrison equipage necessary for duty in the field should be taken. It is desired that the officer detailed for duty with the escort should be junior to Lieutenant *Stoneman*.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Maj. Gen. JOHN E. WOOL,
Com. Dep't of the Pacific, Benicia, California.

BENICIA, CALIFORNIA, *October* 11, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of August 26. Also, of sixteen packages of blanks, and two of instructions for the muster of volunteers.

As I have received no orders in reference to these blanks, which appear to have in view the muster into service of volunteers, I presume they are to be distributed whenever volunteers accompany regular troops, upon any sudden emergency, against Indians, though my impression is, there is no authority for recognizing the service of such volunteers.

With great respect, your obedient servant,

E. D. TOWNSEND,
Ass't Adj't General.

Colonel S. COOPER,
Adj't General U. S. Army, city of Washington.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 13, 1854.

SIR: I have received your communication of August 18, 1854, in answer of mine to you the 30th May, 1854.

Excepting the fourth and fifth paragraphs, I shall defer until some future period an answer to this communication.

In the fourth paragraph you remark: "My letter of the 14th April is explanatory of the instructions of the 12th January, so far as relates to unlawful expeditions against the territories of foreign powers. It is not necessary to argue whether your construction of them is sustained by the letter. It is sufficient for the department to *presume* that the intrepretation you originally put on them was *sincere*, and that you acted in accordance with that interpretation; but when you received my letter of the 14th of April, stating to you the construction that the department designed you to place on your instructions, you should have been content to act in conformity thereto."

In reply, it is due to myself to say, that I have been content to act, since I received it, strictly in accordance with your interpretation of your instructions of January 12, as will be seen by examination of a correspondence with Collector Hammond, in August last, forwarded to you through General Scott, August 31; and the correspondence with Mr. Gadsden, our minister at Mexico, in September last; a copy of which was transmitted to you through the same channel, by the mail of the 1st instant. But whilst I was content with your interpretation, which, however, I think I will be able to convince even yourself was an erroneous one, and not the one intended by you when you drew up my instructions, I was not content to be represented as exceeding my instructions, and doing that which was neither expected or desired of me, namely, the interfering, which I did not do, but which you apprehended, with the duties of the civil officers of the government. Hence my letter to you of May 30. No officer of the government can entertain higher respect for the civil departments of the government than myself, and none can be more ready, and go further to sustain them, in all their rights and prerogatives.

To convince you, however, that I was right and correct in my construction of your instructions, to say nothing of the interviews and conversations I had with you and the President on the subject, which were emphatic, *and could not be misunderstood*, I would simply refer yo

to an extract of my communication to you dated January 7, 1854, which reads as follows:

"WASHINGTON, *January* 7, 1854.

"SIR: Agreeably to the conversation we had yesterday, and your expressed wishes, I have the honor to present my views in regard to some of the duties which may devolve on me as commander of the Pacific department.

"If I understand the object of my assignment, it is to preserve, as far as may be practicable, the peace and quietness of the inhabitants within and without, and to restrain those of our citizens from violating treaties on the neutrality of the country, by fitting out expeditions against nations with whom we were at peace. If I comprehend the law on the subject, in order to act efficiently in all such cases, it will be necessary for the President to delegate the power to me by special instructions." * * * * * * *

In conformity to these suggestions, and affirming my views, you transmitted to me your instructions of January 12, which, in connexion with this subject, are as follows:

"WAR DEPARTMENT,
"*Washington, January* 12, 1854.

"SIR: In addition to the ordinary duties of the military command to which you have been assigned, it is deemed proper to direct your attention to certain special duties which will devolve upon you.

"Among these will be the duty of maintaining our international obligations by preventing unlawful expeditions against the territories of foreign powers. Confidence is felt that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously co-operate with the civil authorities in maintaining the neutrality laws." * * * * * *

These instructions are strictly in accordance with the conversation I had with you and the President on the 17th December, 1853, when, according to the memoranda before me, made at the time, you asserted that it was a "question of peace or war," referring to the importance of putting down the illegal expeditions forming against the territory of Mexico. So anxious was the President on the subject, that he wished me to reach California as soon as possible, and fixed as early a day as the 5th of January for the time of my departure from New York—this in order that these expeditions might be prevented if possible, as important negotiations being then pending with Mexico, it was necessary that prompt and decided measures should be taken at the earliest moment, lest there might be produced a rupture in our relations with that republic. It was also stated in that conversation that you wanted an officer of my discretion and judgment on whom to confer a command of such grave and delicate responsibility and necessary discretionary power, as it was too remote for you to exercise immediate control.

It was under these circumstances that I said that whatever might be the sacrifice, I would go and with pleasure, and that neither you nor

he President should have cause to regret that you had selected me for o important a command. At the same time I remarked that no officer hould be entrusted with a mission of such importance and responsi- ›ility without possessing the most implicit confidence of the President, ıs well as the Secretary of War, which both assured me I possessed.

It was with my views of duty thus formed that I entered upon the ›ommand of the department in February, with a determination to carry ›ut faithfully and to the fullest extent your views and those of the Pre- ıident, having no other object before me but the good of the country ınd the service. And what has been the result? In accordance with he expressed wishes of the President and your positive and unequivocal instructions, I prevented expeditions being fitted out against Mexico, was the cause of the arrest, trial, and conviction of Watkins, of the arrest, trial, and conviction of the Mexican consul, the arrest and trial of the French consul, who ought to have been convicted, and who would have been convicted had he been tried a second time, and compelled the surrender of Walker and his party. Through the vigilance of the officers stationed throughout the department I have preserved peace and quiet in the Indian country, erected batteries at a small expense for the protection of the harbor of San Francisco, and ordered an arsenal building to be erected at Benicia for the protection of the ordnance stores, and the establishment of a new post on the Indian reservation at the Tejon Pass.

Being confident that I was promoting the interests of the country, and that, in accordance with the wishes of the Secretary of War, I had anticipated his approval, but so far from realizing my anticipations, no act of mine seems to have met his approbation. His letter of April 14 is, from beginning to end, a rebuke, if not a direct censure. This was followed by an order removing me to Benicia, and ordering the troops away from the Presidio, which, had it been carried out, would have caused the loss of a million of dollars of public property. Censured because I had not fulfilled a voluntary desire to inspect my command, which I was unable to carry out owing to injuries received by a fall of a horse upon me, and two severe attacks of sickness; and if I had been able, would have been prevented by paramount duties, as I conceived them, and by being detained by civil process to attend the trials of Watkins, Del Vallé, and the French consul. In the meantime, Colonel Mansfield, an inspector general, arrived, who, as I conceived, had been sent to relieve me of so arduous a duty as that of traversing the vast regions of the department of the Pacific.

In conclusion, I would remark that I have thus honestly, sincerely, and frankly, and without intending the slightest disrespect to you or any one else, presented a vindication of my views and acts in regard to my instructions and the duties I was to execute in the Pacific department, and with the assurance that, according to my understanding of them, I have been "faithful *in all things* to the last degree," as I assured both you and the President I would be, at our last interview, on aking leave for my distant command.

I am, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Hon. JEFFERSON DAVIS, *Secretary of War.*

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 14, 1854.

SIR: I have the honor to acknowledge the receipt of general orders, 13, and special orders from 142 to 149.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER, *Adj't Gen., U. S. Army,*
City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 19, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of September 15, in relation to the transfer of Captain Judah. Though the terms of your letter do not convey the authority of the honorable Secretary of War, I presume it was written under his directions.

In reply, I have to say, that under the provisions of the third paragraph of general orders, No. 33, of August 15, 1852, Lieutenant Colonel Bonneville submitted the mutual application of Captains Grant and Judah for a transfer, for my approval, which was given before the order was issued. On a similar application, Captains Russell and Floyd Jones have since been transferred. Conceiving that the general orders referred to is sufficient authority for Lieutenant Colonel Bonneville, with my approval, and that while the wishes of these officers concerned will be gratified, the service will be benefitted, I shall wait until I receive further instructions from the Secretary of War, before causing the orders to be revoked.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER, *Adj't Gen., U. S. Army,*
Washington city, D. C.

ADJUTANT GENERAL'S OFFICE.
Washington, October 21, 1854.

SIR: The application of First Lieutenant *L. C. Hunt*, 4th infantry, for extension of his leave of absence for the benefit of his health, and for permission to visit the Sandwich islands, or to return home by sea, if necessary, has been duly submitted to the Secretary of War, who authorizes Lieutenant Hunt to visit the Sandwich islands for the purposes indicated in his letter, if it should be found necessary. During his absence from his company, on account of ill health, he will be governed by the regulations published in general orders, No. 15, of 1853, and No. 18 of 1854.

Very respectfully, your obedient servant,

S. COOPER,
Adj't General.

Bvt. Maj. Gen. J. E. WOOL,
Com. Dep. of the Pacific, Benicia, California.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 23, 1854.

COLONEL: I perceive by general orders, No. , the 6th regiment of infantry is to be ordered to the Pacific department. Presuming that the regiment will arrive in the course of three months from this time, I have deemed it proper to call the attention of the general-in-chief to the circumstances under which it would be placed if it should arrive during the winter months. The rainy season commences in November and continues until April. During this period it rains almost incessantly. It would not do, therefore, to place the men in tents, which I should be compelled to do unless I was authorized to place them on the seaboard, at posts where we have barracks, in which they could be quartered. To place them in tents, or, as the Secretary of War might order, "in the field," would place a large number on the sick report, whilst many, no doubt, would desert. To send them in the field, which I suppose means the Indian country, where their services would be required, could only be done in the winter season at an enormous expense, on account of the badness of the roads.

The troops not sick might march through the mud, but to transport the sick—and there would be many—and the necessary supplies, would cost some three or four times as much as it would after the rainy season is over. It would be much better in all respects for the regiment to arrive here in April, unless some ulterior object is intended to be accomplished, for instance, as has been conjectured, the annexation of the Sandwich Islands.

If any part of the regiment is intended for Utah, the troops ought to be sent by the land route, instead of the Isthmus and San Francisco. It would cost much less, and perhaps no loss of time. I presume the expense by the land route would not be half as much as by San Francisco or San Diego. The expense of transporting supplies from the Pacific to Utah would be enormous.

Emigration to California, as well as Oregon, will soon render several posts which have been established at a very heavy expense unnecessary. If it was left to my discretion to manage the affairs of California and Oregon, I would, in the course of the coming year, break up Forts Reading and Miller, and establish a temporary post in the Pitt river country, which will require heavy expenditures to furnish it with supplies, and also break up one or two posts in northern California and Oregon, and establish another post on Puget sound, and another, if it could be furnished at anything like a reasonable expense, at or near Fort Boise, on Snake river, to give protection to emigrants going to Oregon and Washington territories. A post, however, at this place, some three hundred miles east of the Dalles, would subject the government to a very heavy expense to keep it properly supplied. I would prefer a company of dragoons to traverse the country in the neighborhood of Fort Boise, during the summer, and at the approach of winter to return to the Dalles and remain until spring. I have now three companies of dragoons, but with broken down horses which are wholly unfit for distant service. To supply these companies with effective horses, such as the service requires, would cost in this country a very large sum.

Each horse fit for the service would cost from three to five hundred dollars.

When Colonel Steptoe arrives with his command, horses, perhaps, may be obtained for these companies. He, however, is not expected until next summer, as he winters at Salt lake. In such a case his horses will be much reduced, and will require some months to recruit them for effective service.

To break up posts, and to establish new ones, requires a large expenditure of money. Although troops might live in tents during the summer, they require barracks during the winter, and as much so as in any other part of the United States. Under these circumstances, before breaking up old posts, and establishing others, I would ask for special and explicit instructions on the subject. I would also leave the position of Steilacoom for another five miles distant, where the post gardens are located, and erect barracks for the troops. The buildings now occupied are miserable log huts, unfit for the habitation of troops, and for the most of which a high rent is paid.

All which is respectfully submitted, with the hope that the instructions asked for will be furnished in due season, and before the time arrives for operations in the spring. I ask for special instructions, because of the large amount which will be required to meet the expenses should the changes as suggested be approved, and to build barracks for the 6th regiment, which is expected. It will require at least one hundred and fifty thousand dollars extra.

I am, very respectfully, your obedient servant,

JOHN E. WOOL, *Major General.*

Lieutenant Colonel L. THOMAS,
Ass't Adj't Gen., Headquarters of the Army, New York.

Approved and respectfully forwarded.
By command of General Scott.

IRVIN McDOWELL,
Ass't Adj't General.

HEADQUARTERS OF THE ARMY,
November 14, 1854.

ADJUTANT GENERAL'S OFFICE,
Washington, October 28, 1854.

GENERAL: Your letter of September 14 has been duly submitted to the Secretary of War, who instructs me to make the following reply to so much thereof as relates to the Tejon Indian reservation. On the 13th of April, 1853, instructions (of which the following is an extract) were sent to the commander of the Pacific division, to wit: "These reservations will be made, subject to your approval, by an officer whom you are hereby directed to detail for the purpose, in conjunction with the superintendent of Indian affairs in California, who will receive the necessary instructions from the Department of the Interior, and will report to you. You will please give such orders as will cause the selection to be promptly made."

The following is also an extract of instructions of the same date rom the Department of the Interior to the superintendent, to wit: 'The selection of the military reservations are to be made by you in conjunction with the military commandant in California, or such officer as may be detailed for that purpose, in which case they must be sanctioned by the commandant. It is likewise the President's desire, that n all other matters connected with the execution of this 'plan,' you will, as far as may be practicable, act in concert with the commanding officer of that military department."

In accordance with the foregoing instructions, the commanding officer of the Pacific division, in June following, caused an officer with a detachment of men to be detailed to proceed to Walker's Pass, with a view to meet the superintendent of Indian affairs, and communicate with him as the officer designated under those instructions. After visiting the Tejon and Walker's passes and waiting a reasonable time at each, the officer returned with his party without obtaining an interview with the superintendent.

Since then it does not appear that any steps have been taken to carry out the instructions of April 13, so far as relates to the co-operation of the military in determining upon the reservations. On the contrary, it would seem that the reservation referred to in your letter has been made wholly by the superintendent of Indian affairs, without any such co-operation, and, so far as the department is informed, without the previous approval of the military commandant. The Secretary of War considers that some explanation is necessary in regard to this natter, as well as a statement of all the circumstances which may have led to a reduction of the limits of the reserve which prevented he post from being placed within its limits and caused it to be established a distance of fifteen miles from the reserve, as mentioned in your letter. Posts designed to protect and control the Indians collected on the reserves, to be most effective, should be on those reserves; and you are desired to state whether suitable sites for such posts may not be found within the limits of the Tejon reservation.

Very respectfully, sir, your obedient servant,

S. COOPER,
Adjutant General.

Bvt. Major General J. E. Wool,
Commanding Department of the Pacific, Benicia, Cal.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 30, 1854.

SIR: I have the honor to acknowledge the receipt of general orders No. 14, special orders Nos. 150 to 157, copy of letter appointing ordance sergeant William Gorham.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Colonel S. COOPER,
Adjutant General U. S. Army, City of Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 31, 1854.

SIR: I have the honor to forward herewith a copy of a field return, to which is annexed the operations of Brevet Major G. O. Haller against the Win-nass Indians.

I am, sir, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Lieut. Col. L. THOMAS,
Ass't Adj't Gen., Headquarters Army, New York.

—

HEADQUARTERS OF THE ARMY,
New York, December 7, 1854.

As a copy of this field return may not have been sent to the adjutant general, this is respectfully forwarded for his information.

IRVIN McDOWELL,
Assistant Adjutant General.

Respectfully submitted to the Secretary of War.

S. COOPER,
Adjutant General.

ADJUTANT GENERAL'S OFFICE, *December* 8, 1854.

The within detailed operations exhibit much zeal and activity, and receive the special commendation of the department.

JEFFERSON DAVIS,
Secretary of War.

WAR DEPARTMENT, *December* 10, 1854.

	Present.																Absent.				Present and absent.		Remarks.
	For duty.								Sick.		Extra or day duty.			In arrest or confine't.	Total.		With leave.		Without leave,				
	Major.	Assistant surgeon.	Captain.	First lieutenant.	Second lieutenant.	Sergeants.	Corporals.	Musicians.	Privates.	Company officers.	Non-commissioned officers, musicians and privates.	Company officers.	Non-commissioned officers.	Privates.	Non-commissioned officers.	Commissio'd officers.	Non-commissioned officers, musicians, and privates.	Commissio'd officers.	Non-commissioned officers, musicians, and privates.	Commissio'd officers.	Non-commissioned officers, musicians, and privates.	Total.	Aggregate.	
Field and staff	..	1	..	..	..	..	..	..	....	....	.....	....	....	....	.....	1	.....	....	.....	....	.....	..	1	
Third artillery	..	..	..	..	1	1	1	..	12	....	.....	....	....	....	.....	1	14	....	.....	....	.....	14	15	Detachment of company L joined September 29th at Fort Boise.
Fourth infantry	1	..	..	..	..	..	2	1	18	....	2	1	1	1	2	2	27	....	1	....	1	27	29	Detachment of co.'s I and K.
Independent volunteers	..	..	1	1	1	4	2	..	28	....	.....	....	....	....	.....	3	34	....	.....	....	.....	36	37	Capt. Olney's joined Sept. 3, at Butter creek.
	1	1	1	1	2	5	5	1	58	....	2	1	1	1	2	7	75	....	1	....	1	77	84	

G. O. HALLER,
Captain and Brevet Major 4th Infantry, Commanding Battalion.

CAMP AT FORT BOISE, *Snake county, O. T., September* 30, 1854.

Commissioned officers, present and absent, accounted for by name.

No.	Names.	Rank.	Regiment or corps.	Remarks.
1	Granville O. Haller.....	Brevet major...	Co. I, 4th inf'y.	Commanding battalion.
2	George Suckley.....	Assist. surgeon..	U. S. army.....	
3	Nathan Olney.....	Captain.....	Independ't vol's.	
4	Orlando Neal.....	First lieutenant.	.....do.....	
5	Edward H. Day.....	Second lieut'ant	Co. L, 3d art'y..	
6	Robert Macfeely.....	.....do.....	Co. K, 4th inf'y	
7	J. A. Steley.....	.....do.....	Independ't vol's.	

HISTORY.

The battalion was organized on the 29th of August. On the 30th, the infantry left Fort Dalles; on the 3d September, Captain Olney joined with his company and reported for duty. On the 9th, Brevet Major Haller, with an escort consisting of Lieutenant Neal and 13 volunteers, advanced to and reached Fort Boise on the 11th. On the 12th, Lieutenant Neal and six volunteers, while conducting four Indians (unarmed prisoners) to camp, shot down three and wounded the fourth while attempting their escape. On the 13th, the column arrived at Fort Boise, having marched a distance variously estimated at from 320 to 350 miles. On the 15th, the column marched over to Payettes river. On the 16th, scouted up the river and came across five lodges of the Win-nass murderers, who, seeing the dust the day before had abandoned everything, leaving their salmon and packs undisturbed. The Indian allies here recovered several packs of the clothing, bedcovers, &c., taken from the massacre of the 20th of August; continued the march, and, while encamping, the scouts brought news of Indians, whereupon, a volunteer party consisting of volunteers and regulars, led by Captain Olney, dashed off in pursuit and captured a family, consisting of the father, mother, and three children. This Indian proved to be a principal man or chief among the Win-nass Indians—also captured horses. On the 17th, the regulars, in scouting, surprised a lodge,killed two Win-nass Indians, captured three women and horses, and several packs of provisions. The volunteers, this day, scouted to the eastward. On the 18th, crossed the mountain towards Boise river—at midnight advanced to attack, and at daylight reached a large camp of murderers on the Boise, who, having heard of our presence in the country, had fled. On the 19th, established camp Mansfield, 35 miles above Fort Boise, and allowed the animals and troops rest. On the 21st, Lieutenant Macfeely, Assistant Surgeon Suckley, and a small party of regulars, reconnoitred the river above for a site for a permanent camp, and met Mr. John T. Jeffreys, a trader, who was bringing up the rear of the emigration, followed by Indians, of whom he complained. Lieutenant Macfeely gave them chase, capturing a horse, several blankets and saddles. Lieutenant Neal, and a party of volunteers, sent out to support Lieutenant Macfeely, captured a squaw. On the 23d, the provisions were exausted, and the camp subsisted on *the flesh* of the captured horses. On the 25th, the available force reconnoitred the big cañon of Boise river, 15 miles above. On the 26th,

mmenced a retreat, and on the 27th, encamped at "Depot Spring," t miles from Fort Boise. On the 29th, proceeded to Fort Boise, and camped on the west side of Snake river. Lieutenant Day, 3d artil-ry, with provision train and escort, joined, bringing orders to return ith the whole command on the close of emigration. Accordingly, on e 30th, the troops continued the march and encamped on Malheur ver.

A true copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, October 30, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, November 10, 1853.

SIR: I have the honor to acknowledge the receipt of—
General orders, Nos. 15 and 16; special orders, from 158 to 166; ter of September 28, to Rev. J. Reynolds; and letter of October 2, relation to an escort for Lieutenant J. G. Parke, topographical en-neers.

I am, sir, very respectfully, your obedient servant,
JOHN E. WOOL, *Major General.*

Colonel S. COOPER,
Adj. Gen. U. S. Army, City of Washington, D. C.

ADJUTANT GENERAL'S OFFICE,
Washington, December 11, 1854.

SIR: Your letter of October 19, in reply to the communication from s office of September 15, concerning the transfer of certain captains the 4th infantry, has, agreeably to your request, been submitted to e Secretary of War, and the following is his decision thereon:

"The general order cited by General Wool being from an authority ferior to that by which the general regulations were established, must construed to confirm and provide for, not to annul, the regulation. he construction given in General Wool's letter is in conflict with ragraph 105, and the general policy which renders the connexion of e captain and the company permanent. It is, therefore, necessarily be understood as relating to subalterns only.

"The transfer was not reported, and appeared to be the act of the gimental commander; but had it been otherwise, the Adjutant Gene-l had a standing instruction from the Secretary of War, in the regula-n published for the government of all concerned."

You are respectfully requested, in accordance with the foregoing de-sion, to cause Captains Judah, Russell, and Floyd Jones, to join the mpanies of their regiment to which they have been promoted by the ders of the War Department.

I have the honor to be, sir, your obedient servant,
S. COOPER, *Adjutant General.*

Brevet Major General J. E. WOOL,
Com'ding Dep't of the Pacific, Benicia, Cal.

WAR DEPARTMENT,
Washington, December 13, 1854.

SIR: Your letter of the 13th of October reached me when I was too much engaged in preparations for the meeting of Congress to reply. I was surprised at its contents, although I had previously seen in a San Francisco newspaper the same topics discussed in much the same language which is used in your letter. In both the object is to make it appear that you have been exposed to undeserved censure, and that approval has been withheld for the faithful performance of duties imposed upon you by instructions. Approval or disapproval is a matter of judgment, not of volition. That no proneness to censure exists, is shown by the reserve with which the department received the announcement of various proceedings which it could not commend. Among the most prominent of these is the postponement of military duties to which you were expected to give your personal attention.

This was not satisfactorily explained by the statement of your constant occupation in preventing unlawful expeditions against foreign territories—a service to which your attention was specially called, as being in addition to the ordinary duties of the department commander. You claim that under your instructions this duty was "paramount." A recurrence to those instructions and the circumstances under which they were given, will aid in understanding the questions involved.

It is always a delicate matter to attempt to quote conversations from memory, and it is unnecessary to do so when, as in this case, the conversations resulted in a correspondence which covered the whole subject. I shall not, therefore, follow your example in this, but rely on what was written, and refer to the correspondence in which you made known your views, and the department defined your duties.

On the 7th of January the order was given for your assignment to the command, and on that day you addressed to this department a written communication stating your views in regard to the duties you were about to assume. In that letter you state that you understand the object of your assignment to be, to protect the inhabitants and "to restrain our citizens from violating treaties or the neutrality of the country, by fitting out expeditions against nations with whom we are at peace." You add: "If I comprehend the law on this subject, in order to act efficiently in all cases, it will be necessary for the President to delegate the power to me by special instructions." The brief sentences quoted are all that occur on this subject in a letter of more than four pages. The remainder is occupied principally by a consideration of the relations between the whites and the Indians, and urging the necessity of being invested by the President with certain powers (which this department could not confer) in relation to the Indians, and also with authority to call out the militia. If at this time you had been informed that the duty of preventing illegal expeditions was one of paramount importance, it is inexplicable that you did not devote more space to it. You would certainly have been warranted in discussing at some length the considerations connected with the exercise of a power to be specially delegated by the President. If this letter is to be taken as indicating fully your views of the duties to devolve upon

, that of preventing illegal expeditions, then occupied a very sub-
inate position in the scale of their relative importance.
)n the 10th of January you wrote that a recent arrival from Cali-
ia reported that an illegal expedition had been recently fitted out
San Francisco, and others were preparing to follow. You added,
am not in possession of all your views in relation to the course that
ht to be pursued towards such expeditions, and yet, if a decided
efficient course is to be adopted and followed on my arrival in
ifornia to prevent similar expeditions against Lower California, I
ıld suggest that the two companies at Fort Hamilton, New York,
wo other companies from some other post, be ordered to accom-
y me on the 20th instant, by way of the Isthmus."
3y this it is shown that, as late as the 10th of January, the views of
department, in relation to unlawful military expeditions, had not
n made fully known to you. No interviews were had on the sub-
after that date; whatever was subsequently communicated to you
s contained in the instructions of January 12th, issued after you had
Washington.
3efore citing those instructions, it may be well to remark that the in-
ion of the department might be gathered as well from what was
lined as from what was done.
pecial powers, such as you asked, had been given to several high
tary officers by commission, under the hand of the President, coun-
igned by the Secretary of State. Such a commission had been
en to your predecessor, General Hitchcock, and must be on record
your headquarters, but no such commission was given you, and
two companies you thought it necessary should accompany you, if
ertain course was to be adopted, were not sent forward.
'ou claim that the instructions of January 12th were in conformity
'our suggestions, and affirmed your views; nothing can be further
n the fact. The only suggestion you made in that letter was not
pted, nor was that made on the 10th of January. No measures
cially in view of that subject were taken, and no special authority
nstructions from the President were given at all. The President
s not alluded to in the instructions, because it was determined, after
consideration, that the department should confine itself, in all those
tters, to its well-defined and ordinary powers. Had it been any
t of the object of the instructions of January 12th to adopt your
ws, or to confirm a verbal understanding which, for any reason, it
s deemed proper not to put in writing, there would necessarily have
n some reference to it. But such is not the case. The instructions
ıd alone, and contain all the authority that the department, after
ference with you, desired to grant. I am, therefore, unable to per-
ve how you reach the conclusion that the instructions of January
h conformed to your suggestions and affirmed your views when not
of them was adopted, or even referred to.
n the instructions of January 12th, after stating that it is deemed
per to direct your attention to certain special duties that will de-
ve upon you, this passage occurs: "Among these will be the duty
maintaining our international obligations, by preventing unlawful
editions against the territories of foreign powers. Confidence is felt

that you will, to the utmost of your ability, use all proper means to detect the fitting out of armed expeditions against countries with which the United States are at peace, and will zealously co-operate with the civil authorities in maintaining the neutrality laws."

Then follow in succession instructions with regard to the protection of the Mexican frontier from Indian incursions, in fulfilment of the treaty of Guadalupe Hidalgo, to the protection of our own citizens from hostile Indians, to the removal of Indians to the reservations provided for them, and the establishment of posts in their vicinity, to the supervision of expenditures, and to the collection of topographical information. As the question is as to the relative importance of these duties, it is to be remarked that very nearly the same space is devoted to each, and all are enforced in about equally strong language.

Upon a view of these facts, my judgment is much at fault if there can be found any ground for giving more importance to the duty of preventing illegal expeditions against Mexico than to the protection of our own citizens.

It is true those instructions left much to your discretion, but not to the extent you claim. In the general proposition, that it was your duty to prevent unlawful expeditions against the territories of foreign powers, there was attached a clause prescribing how you were to proceed for that purpose: it was by detecting preparations for such expeditions, and by co-operating with the civil officers whose duty it was to arrest them. It was obvious that your official relations with numerous officers stationed in every part of California and Oregon, would give you opportunity which no other public officer possessed of gaining early information of any such movement. It was not intended or supposed that an officer holding the highest grade in our army, and intrusted with the duty of preserving order among numerous Indian tribes and guarding the lives and property of our citizens within the limits of an extensive command, would confine himself month after month to a single city, for the purpose of aiding the civil authorities in watching the movements of secret associations, and preventing the commission of civil misdemeanors—a pursuit in which his high military rank and experience gave him little if any advantage, while it lent to the prosecutions, especially when directed against foreigners, a character which they would not have possessed if conducted like others, proceeding only from the action of the judiciary.

That your devotion to this service has been attended with disadvantage to your military duties, is an opinion in which I am sustained by yourself. Your letters of April 14th and May 15th show that you were aware of the consequences to which your exclusive devotion to a single pursuit was leading. In the former, indeed, you state in terms that since your arrival in San Francisco most of your time had been occupied in ferretting out and defeating the schemes of fillibusters, and you had not been able to devote that attention to your professional duties which the public interest demanded. One of these duties, the first which you proposed to undertake, and from which beneficial results were expected, was the personal inspection of your command, and the exploration of the country, with a view to make such a disposition of the troops as would tend to check Indian depredations. At present

you speak of that intended inspection as a voluntary desire to inspect your command, to be carried into effect or abandoned at will; but such was not the light in which you originally placed it before the department.

In your letter of January 7, you spoke of that inspection as necessary before posts could be established to restrain the roving bands of Indians from depredations upon the whites. This was surely an object second to none in importance. That it occupied a prominent place in your mind, is shown by your letter of February 28, written but two weeks after your arrival, in which you deem it necessary to state why you had not at once entered on the inspection; incessant rain had prevented you, but, as soon as the weather should permit, you would commence the duty and continue it until completed. The same subject is renewed in your letters of March 1, March 14, and April 10, showing the importance you attached to it, but it was soon lost sight of in a more absorbing pursuit. You now account for your failure to perform this duty by disability, by paramount duties, (understood to be the preventing of unlawful expeditions,) and, in fine, by the removal of all necessity for it by the inspection tour of Colonel Mansfield. With regard to the disability, which, of course, would constitute a valid excuse for the non-performance of any duty, I can only say, it is here for the first time offered in our correspondence. In your earlier letters the delay was attributed to the rains. On the subject of paramount duties, I have already expressed an opinion, and with regard to the inspection by Colonel Mansfield, I do not see that it had any bearing on the subject. Colonel Mansfield was not sent to aid you in the performance of your duties, but to inspect your command and report the condition of it to the commanding general and this department.

In relation to the troops required for your department, and the disposition to be made of them, your reports evince such fluctuations of opinion as could not have been anticipated, and necessarily embarrass my efforts to co-operate with you. In my letter of January 12, I stated that the force assigned to your department was known to be inadequate to the duties required of it. In your report of February 28, you stated that an increase of force, to guard against difficulties with the Indians in California, Utah, Oregon, and Washington, was indispensable. Your letter of March 14, forwards reports of Indian difficulties in Oregon, and urges the necessity of an increase of force to protect the Indians as well as the whites from mutual aggressions. In your letter of March 31, to the commanding general, you say, "The difficulty of preserving the peace of the country is daily increasing, owing to the increase of emigrants, who are constantly encroaching upon the Indians and depriving them of their improvements. This produces collisions between the two races, white and red, which too frequently end in bloodshed. To keep them quiet and to preserve peace, a large military force is indispensable. We have now less than 11,000 men to guard and defend California, Oregon, Washington, and Utah, altogether in size an empire in itself. To guard this department and to defend it, with almost an innumerable number of Indian tribes, requires at least one regiment of artillery, two of dragoons, and three of infantry; a *force certainly small* to preserve and keep quiet so

extended a country. Allow me to request, general, that you will urge upon the War Department to send another regiment as soon as practicable."

In your letter of May 30, you explain at large your reasons for calling for more troops and represent the peace of the country as almost daily threatened by whites and Indians. On the 15th of June, you received an order to remove from the Presidio the troops which were believed to be greatly needed elsewhere, and to establish your headquarters at Benicia. This order was given in an endorsement upon letters from yourself and staff, representing the insufficiency of the allowance made you to rent quarters for yourselves at San Francisco, and applying for an increase of commutation. About the same time there were, according to a report from the quartermaster general, 48 assignable rooms in the public quarters at Benicia, worth, at the rates you asked to be allowed, $28,800 per annum. The order was intended to relieve at once the officers from a tax, and the government from unnecessary expense. It was, however, received with great dissatisfaction, and numerous objections to leaving San Francisco were stated in a letter written the day you received the order. Among them was the singular statement that you found yourself embarrassed as to what to do with the companies which were to be removed from the Presidio. One of them you could find a place for, but not for the other; all the quarters at the various posts were occupied, and there were no quarters or barracks for either officers or men, except at Monterey. You judged correctly that some explanation was necessary to reconcile this with your recent calls for troops, and explain it in these words: "That these remarks may not seem inconsistent, with the representations I have heretofore made of the want of troops in this department, and especially in my letter to Major General Scott, of March 31, I must say that my instructions from the Hon. Secretary of War extend my command over Utah; that when I left the east it was supposed a law would be passed increasing the number of regiments in service, and, in view of that increase, I hoped to receive one or more regiments, to be posted in Utah. The late communications of the Secretary of War to me make me hesitate to assume the responsibility of erecting new quarters at any of the posts, and by the disposition already made of the troops in this State, Oregon and Washington Territories, all the quarters are fully occupied. Of course, I cannot send two or three companies to Utah. Hence my present embarrassment in relation to stationing the two companies now at the Presidio and the two under Lieutenant Colonel Steptoe."

I must remark upon this, that the purpose for which you here declare you desired the troops you had so urgently called for, viz: to take post in Utah, is first put forth in this letter, and is irreconcileable with the objects declared in earlier letters which represented the most pressing necessity for them in Oregon, Washington, and the northern part of California. As for your hoping "to receive one or more regiments to be posted in Utah," I can only regard it as a momentary error. The entire addition to the army asked for was but three regiments, and how could you have expected one or more of these to be sent to that *remote* portion of the department when troops were so much wanted

i other parts of your command? That this idea could not have been eriously entertained is made manifest by your letter of October 23, in hich you very satisfactorily show (what the department well knew) iat troops intended for Utah should not be sent to the Pacific at all, ut go overland. Those you asked to be sent to you, therefore, could ot have been intended for Utah. Your allusion to a late communica- on from the Secretary of War which causes you to hesitate to erect arracks for the troops, can only apply to that of April 13, declining) pay drafts, drawn by your order, for funds to erect an ordnance orehouse at Benicia. There was no appropriation legally applicable) the erection of such a building, and this was stated to you as the eason for the non-payment of your draft, while it was admitted, at the ame time, that the accommodation was necessary, and you were nformed that an appropriation had been asked for it. The barracks, n the contrary, could have been built from the ordinary appropriation, vhich has never failed to be made annually, to provide shelter for the roops, and which was then available. Having shown, on the 15th une, that you had no means of disposing of a single company advan- ageously, on the 14th September you report that you have not a com-)any available to establish a new post, represented to be much needed n the northern part of Washington; and again, on the 23d of October, ou earnestly remonstrate against the 6th infantry being sent to your lepartment before next spring.

On the whole, it appears to me that your correspondence on this sub- ject manifests a want of definite purpose and system in the disposal of the troops, which I can only attribute to the devotion of an undue por- tion of your time and attention to other than the proper duties of your command.

In the conclusion of your letter, you present a group of services for which you claim credit: the preservation of peace in the Indian country; the erection at small expense of temporary batteries for the protection of San Francisco harbor; the erection of an arsenal building at Benicia; the establishment of a new post on the Indian reservation at the Tejon Pass, and preventing the loss of a million dollars' worth of public pro- perty at the Presidio. Upon these points, since you urge them upon my attention, I will briefly remark.

It would surely be very gratifying to me, could I acknowledge your claim for having preserved peace in the Indian country; but to do this, I should have to forget not only the outrages you yourself have reported, but others equal in atrocity to any that took place during the time of your predecessors.

The propriety of erecting the temporary batteries to which you refer depends upon the necessity. This has not been fully shown to the de- partment, and, in the meantime, rests on the presumption that you have excercised a sound discretion. An armament was sent to San Fran- cisco, as to other places similarly situated, to meet any emergency which might arise, before the completion of the fortifications under con- struction. Your order to the engineer officers to mount twenty guns was readily complied with, to the extent that guns and carriages had been sent to them; and it is not a matter of surprise that, with earthen epaulments, this could *be done* at a very small expense. But these

temporary works will have to be levelled when the forts are completed, and the guns placed in their proper permanent positions. The double expenditure, therefore, is to be justified only by an emergency requiring more prompt preparation for defence than was consistent with the plan of the permanent works which had been approved, and for which the appropriation had been made.

The necessity for additional store room at Benicia, was known before you took command, and an appropriation had been asked in the annual estimates for the construction of an arsenal there. You had a building erected before the appropriation was made, and without taking those measures respecting title to the site which the law requires; you certainly anticipated the action of Congress, but to do so, you raised money by drawing drafts which could not be paid, and the protest of which threw loss upon a subordinate officer. The establishment of a new post at the Tejon reservation, if in fact it had been done, would have been in accordance with the instructions of this department. The post, however, is reported to be not on the reserve, but fifteen miles distant, and I am now awaiting explanations which have been required from you on the subject. The danger which threatened public property to the amount of a million dollars, was the seizure by trespassers of the Presidio reservation and the sites of the fortifications, upon the withdrawal of the troops. The occupation of the land by intruders, whom the department has power, under an act of Congress to remove, at any moment, by an order to the United States marshal, would hardly have involved its entire loss to the government. Still it was proper to leave a guard to protect it from intrusion, and as the department gave an order to that effect upon your representations, this may be considered as a sufficient acknowledgement of the correctness of your views.

In conclusion, I will take occasion to say, that in the offer of the very important command you now hold you had the best evidence of the estimation in which you were held. If in this field of duty, which you forcibly describe as equal in extent to an empire, you have failed to sustain the confidence reposed in you, it would seem to be cause for regret rather than for complaint.

Very respectfully, your obedient servant,

JEFFERSON DAVIS.

Secretary of War.

Bvt. Maj. Gen. JOHN E. WOOL,

Com. Dep. of the Pacific, Benicia, California,

33d CONGRESS, 2d Session. } SENATE. { Ex. Doc. .No. 17.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

RETURNING TO

The House of Representatives a bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works, heretofore commenced under authority of law," with his objections.

JANUARY 3, 1855.—Ordered to lie on the table and be printed; and that 20,000 additional copies be printed for the use of the Senate.

To the Senate and House of Representatives:

In returning to the House of Representatives, in which it originated, a bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works, heretofore commenced under authority of law," it became necessary for me, owing to the late day at which the bill was passed, to state my objections to it very briefly, announcing, at the same time, a purpose to resume the subject for more deliberate discussion, at the present session of Congress; for, while by no means insensible of the arduousness of the task thus undertaken by me, I conceived that the two Houses were entitled to an exposition of the considerations which had induced dissent, on my part, from their conclusions in this instance.

The great constitutional question, of the power of the general government in relation to internal improvements, has been the subject of earnest difference of opinion, at every period of the history of the United States. Annual and special messages of successive Presidents have been occupied with it, sometimes in remarks on the general topic, and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress, or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is environed, while they have directed public attention strongly to the magnitude of the interests involved, have yet left unsettled the limits, not merely of expediency, but of constitutional power, in relation to works of this class by the general government

What is intended by the phrase "internal improvements?" Wha does it embrace, and what exclude? No such language is found in the Constitution. Not only is it not an expression of ascertainable constitutional power, but it has no sufficient exactness of meaning to be of any value as the basis of a safe conclusion, either of constitutional law or of practical statesmanship.

President John Quincy Adams, in claiming, on one occasion, after his retirement from office, the authorship of the idea of introducing into the administration of the affairs of the general government "a permanent and regular system" of internal improvements, speaks of it as a system by which "the whole Union would have been checkered over with railroads and canals," affording "high wages and constant employment to hundreds of thousands of laborers;" and he places it in express contrast with the construction of such works by the legislation of the States and by private enterprise.

It is quite obvious, that, if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress, the same power must comprehend turnpikes and ordinary carriage roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation—in a word, to all the possible means of the material improvement of the earth, by developing its natural resources, anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power, thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvement of equal utility in themselves, and equally important to the welfare of the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well-being, does not fail to perceive that "other objects of public improvement," including "public education," by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and indeed everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

The admission of the power in either of its senses, implies its existence in the other; and since, if it exists at all, it involves dangerous augmentation of the political functions and of the patronage of the federal government, we ought to see clearly by what clause or clauses of the Constitution it is conferred.

I have had occasion more than once to express, and deem it proper now to repeat, that it is, in my judgment, to be taken for granted, as a fundamental proposition not requiring elucidation, that the federal government is the creature of the individual States, and of the people of the States severally; that the sovereign power was in them alone; that all the powers of the federal government are derivative ones, the enumeration and limitations of which are contained in the instrument which organized it; and by express terms, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Starting from this foundation of our constitutional faith, and proceed-

ing to inquire in what part of the Constitution the power of making appropriations for internal improvements is found, it is necessary to reject all idea of there being any grant of power in the preamble. When that instrument says: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,"—it only declares the inducements and the anticipated results of the things ordained and established by it. To assume that anything more can be designed by the language of the preamble, would be to convert all the body of the Constitution, with its carefully weighed enumerations and limitations, into mere surplusage. The same may be said of the phrase in the grant of the power to Congress, "to pay the debts and provide for the common defence and general welfare of the United States;" or, to construe the words more exactly, they are not significant of grant or concession, but of restriction of the specific grants, having the effect of saying that, in laying and collecting taxes for each of the precise objects of power granted to the general government, Congress must exercise any such definite and undoubted power in strict subordination to the purpose of the common defence and general welfare of all the States.

There being no specific grant in the Constitution of a power to sanction appropriations for internal improvements, and no general provision broad enough to cover any such indefinite object, it becomes necessary to look for particular powers, to which one or another of the things included in the phrase "internal improvements," may be referred.

In the discussions of this question by the advocates of the organization of a "general system of internal improvements" under the auspices of the federal government, reliance is had, for the justification of the measure, on several of the powers expressly granted to Congress: such as to establish post offices and post roads; to declare war; to provide and maintain a navy; to raise and support armies; to regulate commerce; and to dispose of the territory and other public property of the United States.

As to the last of these sources of power, that of disposing of the territory and other public property of the United States, it may be conceded, that it authorizes Congress, in the management of the public property, to make improvements essential to the successful execution of the trust; but this must be the primary object of any such improvement, and it would be an abuse of the trust to sacrifice the interest of the property to incidental purposes.

As to the other assumed sources of a general power over internal improvements, they being specific powers, of which this is supposed to be the incident, if the framers of the Constitution, wise and thoughtful men as they were, intended to confer on Congress the power over a subject so wide as the whole field of internal improvements, it is remarkable that they did not use language clearly to express it; or, in other words, that they did not give it as a distinct and substantive power, instead of making it the implied incident of some other one. For such is the magnitude of the supposed incidental power and its capacity of expansion, that any *system* established under it would exceed each or

the others, in the amount of expenditure and number of the persons employed, which would thus be thrown upon the general government.

This position may be illustrated by taking, as a single example, one of the many things comprehended clearly in the idea of "a general system of internal improvements," namely, roads. Let it be supposed that the power to construct roads over the whole Union, according to the suggestion of President J. Q. Adams, in 1807, whilst a member of the Senate of the United States, had been conceded. Congress would have begun, in pursuance of the state of knowledge at the time, by constructing turnpikes. Then, as knowledge advanced, it would have constructed canals; and at the present time, it would have been embarked in an almost limitless scheme of railroads.

Now, there are in the United States, the results of State or private enterprise, upwards of 17,000 miles of railroads, and 5,000 miles of canals, in all 22,000 miles, the total cost of which may be estimated at little short of six hundred millions of dollars; and if the same works had been constructed by the federal government, supposing the thing to have been practicable, the cost would have probably been not less than nine hundred millions of dollars. The number of persons employed in superintending, managing, and keeping up these canals and railroads, may be stated at one hundred and twenty-six thousand, or thereabouts; to which are to be added seventy thousand or eighty thousand employed on the railroads in construction, making a total of at least two hundred thousand persons, representing in families nearly a million of souls, employed on or maintained by this one class of public works in the United States.

In view of all this, it is not easy to estimate the disastrous consequences which must have resulted from such extended local improvements being undertaken by the general government. State legislation upon this subject would have been suspended, and private enterprise paralyzed, while applications for appropriations would have perverted the legislation of Congress, exhausted the national treasury, and left the people burdened with a heavy public debt, beyond the capacity of generations to discharge.

Is it conceivable that the framers of the Constitution intended that authority, drawing after it such immense consequences, should be inferred by implication as the incident of enumerated powers? I cannot think this; and the impossibility of supposing it would be still more glaring, if similar calculations were carried out in regard to the numerous objects of material, moral, and political usefulness, of which the idea of internal improvement admits. It may be safely inferred, that if the framers of the Constitution had intended to confer the power to make appropriations for the objects indicated, it would have been enumerated among the grants expressly made to Congress. When, therefore, any one of the powers actually enumerated is adduced or referred to, as the ground of an assumption to warrant the incidental or implied power of "internal improvement," that hypothesis must be ejected, or at least can be no further admitted than as the particular act of internal improvement may happen to be necessary to the exercise of the granted power. Thus, when the object of a given road, *he clearing* of a particular channel, or the construction of a particular

harbor of refuge, is manifestly required by the exigencies of the naval or military service of the country, then it seems to me undeniable that it may be constitutionally comprehended in the powers to declare war, to provide and maintain a navy, and to raise and support armies. At the same time, it would be a misuse of these powers, and a violation of the Constitution, to undertake to build upon them a great system of internal improvements. And similar reasoning applies to the assumption of any such power as involved in that to establish post-roads and to regulate commerce. If the particular improvement, whether by land or sea, be necessary to the execution of the enumerated powers, then, but not otherwise, it falls within the jurisdiction of Congress. To this extent only can the power be claimed as the incident of any express grant to the federal government.

But there is one clause of the Constitution in which it has been suggested, that express authority to construct works of internal improvement has been conferred on Congress, namely, that which empowers it "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and *other needful buildings.*" But any such supposition will be seen to be groundless, when this provision is carefully examined, and compared with other parts of the Constitution.

It is undoubtedly true, that "like authority" refers back to "exclusive legislation in all cases whatever," as applied to the District of Columbia; and there is, in the District, no division of powers as between the general and the State governments.

In those places which the United States has purchased or retains within any of the States—sites for dock-yards or forts, for example—legal process of the given State is still permitted to run for some purposes, and therefore the jurisdiction of the United States is not absolutely perfect. But let us assume, for the argument's sake, that the jurisdiction of the United States in a tract of land ceded to it for the purpose of a dock-yard or fort, by Virginia or Maryland, is as complete as in that ceded by them for the seat of government, and then proceed to analyze this clause of the Constitution.

It provides that Congress shall have certain legislative authority over all places purchased by the United States for certain purposes. It implies that Congress has otherwise the power to purchase. But where does Congress get the power to purchase? Manifestly it must be from some other clause of the Constitution, for it is not conferred by this one. Now, as it is a fundamental principle that the Constitution is one of limited powers, the authority to purchase must be conferred in one of the enumerations of legislative power. So that the power to purchase is itself not an unlimited one, but is limited by the objects in regard to which legislative authority is directly conferred.

The other expressions of the clause in question confirm this conclusion, since the jurisdiction is given as to places purchased for certain enumerated *objects or purposes.* Of these, the first great division,

forts, magazines, arsenals and dock-yards are obviously referable to recognized heads of specific constitutional power. There remains only the phrase "and other *needful* buildings." Wherefore needful? Needful for any possible purpose within the whole range of the business of society and of government? Clearly not; but only such "buildings" as are "needful" to the United States in the exercise of any of the powers conferred on Congress.

Thus the United States need, in the exercise of admitted powers, not only forts, magazines, arsenals, and dock-yards, but also court-houses, prisons, custom-houses, and post offices, within the respective States. Places for the erection of such buildings the general government may constitutionally purchase, and, having purchased them, the jurisdiction over them belongs to the United States. So, if the general government has the power to build a light-house or a beacon, it may purchase a place for that object; and having purchased it, then this clause of the Constitution gives jurisdiction over it. Still the power to purchase for the purpose of erecting a light-house or beacon, must depend on the existence of the power to erect; and if that power exists, it must be sought after in some other clause of the Constitution.

From whatever point of view, therefore, the subject is regarded, whether as a question of express or implied power, the conclusion is the same, that Congress has no constitutional authority to carry on a system of internal improvements; and in this conviction the system has been steadily opposed by the soundest expositors of the functions of the government.

It is not to be supposed that in no conceivable case shall there be doubt as to whether a given object be, or not, a necessary incident of the military, naval, or any other power. As man is imperfect, so are his methods of uttering his thoughts. Human language, save in expressions for the exact sciences, must always fail to preclude all possibility of controversy. Hence it is that, in one branch of the subject—the question of the power of Congress to make appropriations in aid of navigation—there is less of positive conviction than in regard to the general subject; and it therefore seems proper, in this respect, to revert to the history of the practice of the government.

Among the very earliest acts of the first session of Congress, was that for the establishment and support of light-houses, approved by President Washington on the 7th of August, 1789, which contains the following provisions:

"That all expenses which shall accrue, from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk before the passing of this act, at the entrance of or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: *Provided, nevertheless*, That none of the said expenses shall continue to be so defrayed, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers shall, in the mean-time, be ceded to, and vested in the United States, by the State or States, respectively, in which the same may be, together with the lands and

tenements thereunto belonging, and together with the jurisdiction of the same." Acts containing appropriations for this class of public works were passed in 1791, 1792, 1793, and so on, from year to year, down to the present time; and the tenor of these acts, when examined with reference to other parts of the subject, is worthy of special consideration.

It is a remarkable fact that, for a period of more than thirty years after the adoption of the Constitution, all appropriations of this class were confined, with scarcely an apparent exception, to the construction of light-houses, beacons, buoys, and public piers, and the stakeage of channels;—to render navigation "safe and easy," it is true, but only by indicating to the navigator obstacles in his way, not by removing those obstacles, nor in any other respect changing artificially the pre-existing natural condition of the earth and sea. It is obvious, however, that works of art for the removal of natural impediments to navigation, or to prevent their formation, or for supplying harbors where these do not exist, are also means of rendering navigation safe and easy; and may, in supposable cases, be the most efficient, as well as the most economical, of such means. Nevertheless, it is not until the year 1824 that, in an act to improve the navigation of the rivers Ohio and Mississippi, and in another act making appropriations for deepening the channel leading into the harbor of Presque Isle, on Lake Erie, and for repairing Plymouth beach, in Massachusetts Bay, we have any example of an appropriation for the improvement of harbors, in the nature of those provided for in the bill returned by me to the House of Representatives.

It appears not probable that the abstinence of Congress in this respect is attributable altogether to considerations of economy, or to any failure to perceive that the removal of an obstacle to navigation might be not less useful than the indication of it for avoidance; and it may be well assumed that the course of legislation, so long pursued, was induced, in whole or in part, by solicitous consideration in regard to the constitutional power over such matters vested in Congress.

One other peculiarity in this course of legislation is not less remarkable. It is, that when the general government first took charge of light-houses and beacons, it required the works themselves, and the lands on which they were situated, to be ceded to the United States. And although for a time this precaution was neglected in the case of new works, in the sequel it was provided by general laws that no light-house should be constructed on any site previous to the jurisdiction over the same being ceded to the United States.

Constitutional authority for the construction and support of many of the public works of this nature, it is certain, may be found in the power of Congress to maintain a navy and provide for the general defence; but their number, and, in many instances, their location, preclude the idea of their being fully justified as necessary and proper incidents of that power. And they do not seem susceptible of being referred to any other of the specific powers vested in Congress by the Constitution, unless it be that to raise revenue, in so far as this relates to navigation. The practice under all my predecessors in office, the express admissions of some of them, and absence of denial by any, sufficiently manifest their belief that the power to erect light-houses, beacons, and piers,

is possessed by the general government. In the acts of Congress, as we have already seen, the inducement and object of the appropriations are expressly declared: those appropriations being for "light-houses, beacons, buoys, and public piers" erected or placed "within any bay, inlet, harbor, or port of the United States for rendering the navigation thereof easy and safe."

If it be contended that this review of the history of appropriations of this class leads to the inference, that, beyond the purposes of national defence and maintenance of a navy, there is authority in the Constitution to construct certain works in aid of navigation, it is at the same time to be remembered that the conclusions thus deduced from coetemporaneous construction and long continued acquiescence are themselves directly suggestive of limitations of constitutionality, as well as expediency, regarding the nature and the description of those aids to navigation which Congress may provide as incident to the revenue power. For, at this point controversy begins, not so much as to the principle as to its application.

In accordance with long established legislative usage, Congress may construct light-houses and beacons, and provide, as it does, other means to prevent shipwrecks on the coasts of the United States. But the general government cannot go beyond this, and make improvements of rivers and harbors of the nature, and to the degree, of all the provisions of the bill of the last session of Congress.

To justify such extended power, it has been urged that, if it be constitutional to appropriate money for the purpose of pointing out, by the construction of light-houses or beacons, where an obstacle to navigation exists, it is equally so to remove such obstacle, or to avoid it by the creation of an artificial channel; that if the object be lawful, then the means adopted solely with reference to the end must be lawful, and that therefore it is not material, constitutionally speaking, whether a given obstruction to navigation be indicated for avoidance, or be actually avoided by excavating a new channel; that if it be a legitimate object of expenditure to preserve a ship from wreck, by means of a beacon, or of revenue cutters, it must be not less so to provide places of safety by the improvement of harbors, or, where none exist, by their artificial construction; and thence the argument naturally passes to the propriety of improving rivers for the benefit of internal navigation: because all these objects are of more or less importance to the commercial, as well as the naval, interests of the United States.

The answer to all this is, that the question of opening speedy and easy communication to and through all parts of the country is substantially the same, whether done by land or water; that the uses of roads and canals in facilitating commercial intercourse, and uniting by community of interests the most remote quarters of the country by land communication, are the same in their nature as the uses of navigable waters; and that therefore, the question of the facilities and aids to be provided to navigation, by whatsoever means, is but a sub-division of the great question of the constitutionality and expediency of internal improvements by the general government. In confirmation of this, it is to be remarked, that one of the most important acts of appropriation of this class, that of the year 1833, under the administration of

President Jackson, by including together and providing for, in one bill, as well river and harbor works, as road works, impliedly recognises the fact that they are alike branches of the same great subject of internal improvements.

As the population, territory, and wealth of the country increased, and settlements extended into remote regions, the necessity for additional means of communication impressed itself upon all minds with a force which had not been experienced at the date of the formation of the Constitution, and more and more embarrassed those who were most anxious to abstain, scrupulously, from any exercise of doubtful power. Hence the recognition, in the messages of Presidents Jefferson, Madison, and Monroe, of the eminent desirableness of such works, with admission that some of them could lawfully and should be conducted by the general government, but with obvious uncertainty of opinion as to the line between such as are constitutional and such as are not; such as ought to receive appropriations from Congress, and such as ought to be consigned to private enterprise, or the legislation of the several States.

This uncertainty has not been removed by the practical working of our institutions in later times; for although the acquisition of additional territory, and the application of steam to the propulsion of vessels, have greatly magnified the importance of internal commerce, this fact has, at the same time, complicated the question of the power of the general government over the present subject.

In fine, a careful review of the opinions of all my predecessors, and of the legislative history of the country, does not indicate any fixed rule by which to decide what, of the infinite variety of possible river and harbor improvements, are within the scope of the power delegated by the Constitution; and the question still remains unsettled. President Jackson conceded the constitutionality, under suitable circumstances, of the improvement of rivers and harbors through the agency of Congress; and President Polk admitted the propriety of the establishment and support, by appropriations from the treasury, of lighthouses, beacons, buoys, and other improvements, within the bays, inlets, and harbors of the ocean and lake coasts immediately connected with foreign commerce.

But, if the distinction thus made rests upon the differences between foreign and domestic commerce, it cannot be restricted thereby to the bays, inlets, and harbors of the oceans and lakes, because foreign commerce has already penetrated thousands of miles into the interior of the continent by means of our great rivers, and will continue so to extend itself with the progress of settlement, until it reaches the limit of navigability.

At the time of the adoption of the Constitution, the vast valley of the Mississippi, now teeming with population, and supplying almost boundless resources, was literally an unexplored wilderness. Our advancement has outstripped even the most sanguine anticipations of the fathers of the Republic; and it illustrates the fact, that no rule is admissible which undertakes to discriminate, so far as regards river and harbor improvements, between the Atlantic or Pacific coasts, and the great lakes and rivers of the interior regions of North America.

Indeed, it is quite erroneous to suppose that any such discrimination has ever existed in the practice of the government. To the contrary of which, is the significant fact before stated, that when, after abstaining from all such appropriations for more than thirty years Congress entered upon the policy of improving the navigation of rivers and harbors, it commenced with the rivers Mississippi and Ohio.

The Congress of the Union, adopting, in this respect, one of the ideas of that of the Confederation, has taken heed to declare, from time to time, as occasion required, either in acts for disposing of the public lands in the Territories, or in acts for admitting new States, that all navigable rivers within the same "shall be deemed to be and remain public highways."

Out of this condition of things arose a question which, at successive periods of our public annals, has occupied the attention of the best minds in the Union. This question is, what waters are public navigable waters so as not to be of State character and jurisdiction, but of Federal jurisdiction and character, in the intent of the Constitution and of Congress? A proximate, but imperfect, answer to this important question is furnished by the acts of Congress and the decisions of the Supreme Court of the United States, defining the constitutional limits of the maritime jurisdiction of the general government. That jurisdiction is entirely independent of the revenue power. It is not derived from that, nor is it measured thereby.

In that act of Congress which, in the first year of the government, organized our judicial system, and which, whether we look to the subject, the comprehensive wisdom with which it was treated, or the deference with which its provisions have come to be regarded, is only second to the Constitution itself,—there is a section in which the statesmen who framed the Constitution have placed on record their construction of it in this matter. It enacts that the district courts of the United States "shall have exclusive cognizance of all civil cases of admiralty and maritime jurisdiction, including all seizures under the law of impost, navigation, or trade of the United States, when the seizures are made on waters which are navigable from the sea by vessels of ten or more tons burden, within their respective districts, as well as upon the high seas." In this cotemporaneous exposition of the Constitution, there is no trace of suggestion, that nationality of jurisdiction is limited to the sea, or even to tide-waters. The law is marked by a sagacious apprehension of the fact that the great Lakes and the Mississippi were navigable waters of the United States even then, before the acquisition of Louisiana had made wholly our own the territorial greatness of the West. It repudiates, unequivocally, the rule of the common law, according to which the question of whether a water is public navigable water or not, depends on whether it is salt or not, and therefore, in a river, confines that quality to tide-water: a rule resulting from the geographical condition of England, and applicable to an island with small and narrow streams, the only navigable portion of which, for ships, is in immediate contact with the ocean, but wholly inapplicable to the great inland fresh-water seas of America, and its mighty rivers, with secondary branches exceeding in magnitude the largest rivers of Great Britain.

At a later period, it is true, that, in disregard of the more comprehensive definition of navigability afforded by that act of Congress, it was for a time held by many, that the rule established for England was to be received in the United States; the effect of which was to exclude from the jurisdiction of the general government, not only the waters of the Mississippi, but also those of the great Lakes. To this construction it was with truth objected, that, in so far as concerns the Lakes, they are in fact seas, although of fresh water; that they are the natural marine communications between a series of populous States, and between them and the possessions of a foreign nation; that they are actually navigated by ships of commerce of the largest capacity; that they had once been, and might again be, the scene of foreign war; and that therefore it was doing violence to all reason to undertake, by means of an arbitrary doctrine of technical foreign law, to exclude such waters from the jurisdiction of the general government. In regard to the river Mississippi, it was objected that, to draw a line across that river at the point of ebb and flood of tide, and say that the part below was public navigable water, and the part above not, while in the latter the water was at least equally deep and navigable, and its commerce as rich as in the former, with numerous ports of foreign entry and delivery, was to sanction a distinction artificial and unjust, because regardless of the real fact of navigability.

We may conceive that some such considerations led to the enactment, in the year 1845, of an act, in addition to that of 1789, declaring that "the district courts of the United States shall have, possess, and exercise the same jurisdiction in matters of contract and tort, arising in, upon, or concerning steamboats, and other vessels of twenty tons burden and upwards, enrolled and licensed for the coasting trade, and at the time employed in business of commerce and navigation between ports and places in different States and Territories upon the Lakes, and navigable waters connecting said Lakes, as is now possessed and exercised by the said courts in cases of the like steamboats and other vessels employed in navigation and commerce upon the high seas or tide-waters, within the admiralty and maritime jurisdiction of the United States."

It is observable that the act of 1789 applies the jurisdiction of the United States to all "waters which are navigable from the sea" for vessels of ten tons burden; and that of 1845 extends the jurisdiction to enrolled vessels of twenty tons burden, on the Lakes, and navigable waters connecting said Lakes, though not waters navigable from the sea, provided such vessels be employed between places in different States and Territories.

Thus it appears that these provisions of law, in effect, prescribe conditions by which to determine whether any waters are public navigable waters, subject to the authority of the federal government. The conditions include all waters, whether salt or fresh, and whether of sea, lake, or river, provided they be capable of navigation by vessels of a certain tonnage, and for commerce, either between the United States and foreign countries, or between any two or more of the States or Territories of the Union. This excludes water wholly within any particular State, *and not used as* the means of commercial communica-

tion with any other State, and subject to be improved or obstructed, at will, by the State within which it may happen to be.

The constitutionality of these provisions of statute has been called in question. Their constitutionality has been maintained, however, by repeated decisions of the Supreme Court of the United States, and they are, therefore, the law of the land by the concurrent act of the legislative, the executive, and the judicial departments of the government. Regarded as affording a criterion of what is navigable water, and as such subject to the maritime jurisdiction of the Supreme Court and of Congress, these acts are objectionable in this, that the rule of navigability is an arbitrary one; that Congress may repeal the present rule, and adopt a new one; and that thus a legislative definition will be able to restrict or enlarge the limits of constitutional power. Yet this variableness of standard seems inherent in the nature of things. At any rate, neither the first Congress, composed of the statesmen of the era when the Constitution was adopted, nor any subsequent Congress, has afforded us the means of attaining greater precision of construction as to this part of the Constitution.

This reflection may serve to relieve from undeserved reproach an idea of one of the greatest men of the Republic, President Jackson. He, seeking amid all the difficulties of the subject for some practical rule of action in regard to appropriations for the improvement of rivers and harbors, prescribed for his own official conduct the rule of confining such appropriations to "places below the ports of entry or delivery established by law." He saw clearly, as the authors of the above mentioned acts of 1789 and 1845 did, that there is no inflexible natural line of discrimination between what is national and what local, by means of which to determine absolutely and unerringly at what point on a river the jurisdiction of the United States shall end. He perceived, and of course admitted, that the Constitution, while conferring on the general government some power of action to render navigation safe and easy, had of necessity left to Congress much of discretion in this matter. He confided in the patriotism of Congress to exercise that discretion wisely, not permitting himself to suppose it possible that a port of entry or delivery would ever be established by law for the express and only purpose of evading the Constitution.

It remains, therefore, to consider the question of the measure of discretion in the exercise by Congress of the power to provide for the improvement of rivers and harbors, and also that of the legitimate responsibility of the Executive in the same relation.

In matters of legislation of the most unquestionable constitutionality, it is always material to consider what amount of public money shall be appropriated for any particular object. The same consideration applies with augmented force to a class of appropriations which are in their nature peculiarly prone to run to excess, and which, being made in the exercise of incidental powers, have intrinsic tendency to overstep the bounds of constitutionality.

If an appropriation for improving the navigability of a river, or deepening or protecting a harbor, have reference to military or naval purposes, then its rightfulness, whether in amount or in the objects to which it is applied, depends, manifestly, on the military or naval ex-

gency; and the subject-matter affords its own measure of legislative discretion. But if the appropriation for such an object have no distinct relation to the military or naval wants of the country, and is wholly, or even mainly, intended to promote the revenue from commerce, then the very vagueness of the proposed purpose of the expenditure constitutes a perpetual admonition of reserve and caution. Through disregard of this, it is undeniable that, in many cases, appropriations of this nature have been made unwisely, without accomplishing beneficial results commensurate with the cost, and sometimes for evil, rather than good, independently of their dubious relation to the Constitution.

Among the radical changes of the course of legislation in these matters, which, in my judgment, the public interest demands, one is a return to the primitive idea of Congress, which required in this class of public works, as in all others, a conveyance of the soil, and a cession of the jurisdiction to the United States. I think this condition ought never to have been waived in the case of any harbor improvement of a permanent nature, as where piers, jettees, sea-walls, and other like works are to be constructed and maintained. It would powerfully tend to counteract endeavors to obtain appropriations of a local character, and chiefly calculated to promote individual interests. The want of such a provision is the occasion of abuses in regard to existing works, exposing them to private encroachment without sufficient means of redress by law. Indeed, the absence, in such cases, of a cession of jurisdiction, has constituted one of the constitutional objections to appropriations of this class. It is not easy to perceive any sufficient reason for requiring it in the case of arsenals or forts, which does not equally apply to all other public works; if to be constructed and maintained by Congress in the exercise of a constitutional power of appropriation, they should be brought within the jurisdiction of the United States.

There is another measure of precaution, in regard to such appropriations, which seems to me to be worthy of the consideration of Congress. It is, to make appropriation for every work in a separate bill, so that each one shall stand on its own independent merits; and if it pass, shall do so under circumstances of legislative scrutiny, entitling it to be regarded as of general interest, and a proper subject of charge on the treasury of the Union.

During that period of time in which the country had not come to look to Congress for appropriations of this nature, several of the States, whose productions or geographical position invited foreign commerce, had entered upon plans for the improvement of their harbors by themselves, and through means of support drawn directly from that commerce, in virtue of an express constitutional power, needing for its exercise only the permission of Congress. Harbor improvements thus constructed and maintained, the expenditures upon them being defrayed by the very facilities they afford, are a voluntary charge on those only who see fit to avail themselves of such facilities, and can be justly complained of by none. On the other hand, so long as these improvements are carried on by appropriations from the treasury, the benefits will continue to inure to those alone who enjoy the facilities afforded, while the expenditure will be a burden upon the whole country, and the dis-

crimination a double injury to places equally requiring improvement, but not equally favored by appropriations.

These considerations, added to the embarrassments of the whole question, amply suffice to suggest the policy of confining appropriations by the general government to works necessary to the execution of its undoubted powers, and of leaving all others to individual enterprise, or to the separate States, to be provided for out of their own resources, or by recurrence to the provision of the Constitution, which authorizes the States to lay duties of tonnage with the consent of Congress.

FRANKLIN PIERCE.

WASHINGTON, *December* 30, 1854.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 18.

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

A statement of the expenses of the national armories, and of the arms and appendages made thereat, during the year ending June 30, 1854.

JANUARY 15, 1855.—Read and ordered to be printed.

WAR DEPARTMENT,
Washington January 12, 1855.

SIR: Pursuant to an act approved April 2, 1794, I have the honor to transmit, herewith, a statement of the expenses of the national armories, and of the arms and appendages made thereat, during the year which ended June 30, 1854.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

HON. J. D. BRIGHT,
President pro tem. of the Senate.

Statement of the expenditures at the national armories, and of the number of arms and appendages made thereat, during the fiscal year which ended June 30, 1854.

Armories.	EXPENDITURES.				
	From appropriation for repairs and improvements and new machinery.	From appropriation for the manufacture of arms.	From appropriation for ordnance, ordnance stores, and supplies.	From appropriation to make good damages sustained by a flood.	Total expenditure.
Springfield	$9,547 41	$145,776 67	$5,489 46	.....	$160,813 54
Harpers' Ferry	60,023 04	111,672 58	5,114 04	$20,000 00	196,809 66
Total	69,570 45	257,449 25	10,603 50	20,000 00	357,623 20

STATEMENT [illegible]

Armories.	NUMBER OF ARMS AND APPENDAGES MADE.											
										For arms altered to percussion.		
	Muskets, percussion.	Rifles, percussion.	Musketoons, percussion.	Ball-screws.	Wipers.	Screw-drivers.	Spring vices.	Cones.	Bullet-moulds.	Hammers for muskets.	Screw-drivers.	Hammers for pistols.
Springfield.....	11,000	.....	2,000	6,970	20,206	13,331	7,879	23,854	.....	14,003	.....	3,093
Harpers' Ferry.....	9,000	2,761	.....	550	5,864	3,105	1,750	13,774	1,092	6,556	7,897	.....
Total.....	20,000	2,761	2,000	7,520	26,070	16,436	9,629	37,628	1,092	20,559	7,897	3,093

ORDNANCE OFFICE, *Washington, January* 2, 1855.

H. K. CRAIG, *Colonel Ordnance.*

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 19.

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

A statement of the contingent expenditures of the military establishment for the year 1854.

JANUARY 15, 1855.—Read, and ordered to be printed.

WAR DEPARTMENT,
Washington, January 12, 1855.

SIR: In conformity with the 5th section of the act of March 3, 1809, entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," I have the honor to transmit herewith a statement of the expenditures during the year 1854, from the appropriation for the contingent expenses of the military establishment.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. J. D. BRIGHT,
President pro tem. of the Senate.

A statement of the expenditure of the appropriation of the contingent expenses of the military establishment for the year 1854; *exhibited in pursuance of the 5th section of the act of March* 3, 1809, *entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."*

Date.	To whom paid.	For what purpose.	Amount.	Total.
1854.				
Jan. 5	W. L. Elliott, lieutenant rifles	Paid Jonathan Mix, Lockhart, Texas, 1853, for issuing "search warrant," services, and fees		$1 85
21	A. Sully, lieutenant 2d infantry	Paid James H. Carson for services as guide under General Riley, in making reconnoissance of Sacramento and San Joaquin valleys, from July 4, to August 11, 1849		390 00
	Edmund Hayes, lieutenant 4th artillery	Paid G. H. Hyatt for 1 day in April, 1850, guiding paymaster's ambulance		3 00
23	John P. O'Brien, captain 4th artillery	Paid B. R. Graham for services as postmaster, from 1st to 31st August, 1847, in Mexico		50 00
	John C. McFerran, lieutenant 3d infantry	Paid B. M. Browder for services as prosecuting attorney in a case tried at Santa Fé on the 6th and 7th of November, 1850, between the Territory as plaintiff, and Thomas Parsons as defendant	$50 00	
		Paid J. F. Crosby for professional services, defending Lieut. Colonel D. S. Miles, 3d infantry, in suits instituted against him by one Devosier and others, in United States court for third judicial district of the Territory of New Mexico, for logs cut on the public lands, loss of a cow, &c	100 00	250 00
26	Stewart Van Vliet, captain, A. Q. M.	Paid Price Husbands at Fort Laramie, for services as interpreter, from June 20 to August 20, 1849	60 00	
		Paid James M. McCloskey in September, 1849, for services as interpreter and guide, from Fort Laramie to Fort Pierre, on the Missouri river, and returning to Fort Laramie	200 00	
		Paid Joseph Juett at Fort Laramie, in November, 1849, for services as interpreter	27 00	
		Paid William Lynch & Co., St. Louis, Missouri, for coffin and funeral expenses of the late Brigadier General Whiting, A. Q. M. General	74 00	361 00
Feb. 11	W. A. Winder, lieutenant 3d artillery	Paid Abner Doliff for services in Florida as a guide for 34 days, in October and November, 1849		68 00
	James Oakes, lieutenant 2d dragoons	Paid John D. Herring in March, 1848, in the city of Mexico, for 5 yards of crape		5 00

			Military Academy, West Point, for November and December, 1850, nine months in 1851, and eight months in 1852, at $62 50 per month	.....	1,187 50
		H. B, Judd, captain 3d artillery.....	Paid Aquipita Garcia and Estavan Caluna, in 1849, for services as interpreter and guide to Comanches	14 50	
			Paid Charles Audibis for services as interpreter and guide for 1 year and 24 days.	135 00	
					1,149 58
Feb.	18	O. H. P. Taylor, lieutenant 1st dragoons.	Paid Manuel Luren at Albuquerque, in July, 1859, for 15 days' services as guide	.....	45 00
		A. C. Myers, brevet lieutenant colonel....	Paid Isaac Bridge & Co., New Orleans, in August, 1852, for 1 Rich & Co's improved patent salamander safe	283 00	
			Paid B. M. Norman, New Orleans, in December, 1852, and March, 1853, for framing military and public maps	12 00	
					295 00
Mar.	1	W. W. Hudson, late lieutenant 1st inf'y..	Paid G. W. Pierce, S. L. Anderson, Offracia and Benture Gonzalis, for services as interpreters and guides in 1849 and 1850	.....	217 00
	2	H. M. Black, lieutenant 7th infantry	Paid Costa Fixio Chopco for services as guide in 1849 and 1850, from Pea river to Indian river	.....	54 00
	6	E. S. Sibley, brevet major, A. Q. M.....	Paid J. H. Carleton, brevet major United States army, for transportation of his baggage, in July, 1853, from Fort Union to Santa Fé, and back to Fort Union again	.....	21 00
	13	T. T. Turnley, lieutenant 1st infantry	Paid Jose Maria Flores for services as guide in April, May, and June, 1849, to the troops stationed on the Rio Grande, near Eagle Pass, Texas	.....	147 04
		Milton Cogswell, lieutenant 8th infantry ..	Paid James Shaw for services as guide in April, May, and June, 1850	.....	120 00
	14	Oscar A. Mack, lieutenant 4th artillery...	Paid John C. Churchill for professional services at Oswego, New York, in September, 1850, in the case of Brenan and Hodgins vs. United States	.....	13 00
	18	Thomas Swords, brevet lieut. col., Q. M..	Paid William A. Lynch & Co. and B. W. Alexander, for funeral expenses of the late Colonel Mackay, deputy quartermaster general, at St. Louis, Missouri, in March, 1851	158 00	
			Paid J. Prescott Hall in January, 1853, for professional services in defence of Colonel Harvey Brown in a suit brought against him by Gustavus A. Perry, enlisted as a private soldier, but discharged by writ of habeas corpus, on the ground of his minority	250 00	
			Also taxed costs in same case	95 87	
			Paid J. Prescott Hall in November, 1853, for professional services in the suit of George Ford *vs.* A. P. Hone and Charles Wooster, officers of the United States army at Governor's Island, New York, sued in trespass for acts done under authority of a court martial	100 00	
			Taxed costs in suit	92 00	
			Cash paid, costs in settlement of suit	80 75	
			Paid Harper & Brothers, New York, in January, March, and April, 1853, for 200 copies of Scott's Infantry Tactics	222 76	

STATEMENT—Continued.

Date.	To whom paid.	For what purpose.	Amount.	Total.
1854.				
March 18	Thomas Swords, brevet lieut. col., Q. M.—Continued	Paid James C. Church, New York, in January, 1853, for 12 yards of crape	$6 00	
				$1,005 38
	J. C. Robinson, captain 5th infantry	Paid Paddy Carr in February, 1850, at Fort Gibson, Arkansas, for services as interpreter, guide, &c		11 25
	D. H. Hastings, lieutenant 1st dragoons	Paid John Sparhr, John W. Ely, Jos. C. Thompson, and James Callio, jr., at Carlisle barracks, Pennsylvania, for State, county, borough, and school taxes, for 1849 and 1850		436 07
22	A. W. Bowman, captain 3d infantry	Paid T. F. White, in January, 1850, for five mules, to make a reconnoissance of El Paso, by order of General Worth, preparatory to the march of the battalion of 3d infantry from San Antonio		260 00
30	A. C. Myers, brevet lieut. colonel, Q. M. D.	Paid Francis Reyes and P. R. Lopez, at St. Augustine, Florida, in September, 1849, for services as guide		13 00
April 5	E. H. Fitzgerald, brevet major 1st dragoons	Paid H. W. Haskell, in July, 1849, for services as guide		50 00
	Z. Collins Lee	For professional services in attending eight habeas corpus cases in the courts of Maryland, in 1841,-'42,-'43, and 1850		40 00
	John Bold, late lieutenant 8th infantry	Paid Samuel K. Smith, at Fort Worth, Texas, in April, 1850, for services as guide	32 90	
		Paid John Lewis, at Fort Worth, Texas, in May and June, 1850, for two months services as interpreter and guide	80 00	
				112 90
13	R. W. Kirkham, brevet captain 6th infantry	Paid Louis De Morreau, at Fort Snelling, in March, 1850, for services as guide		33 25
	W. W. Chapman, brevet major, A. Q. M.	Paid James A. Little for services as postmaster, at Brazos Santiago, Texas, from July 1, to August 16, 1848	60 66	
		Paid John Boyd, for similar services, from August 17, to December 31, 1848	179 35	
		Paid Peter Roniche, at Fort Brown, Texas, in October, 1848, for services as interpreter and guide	34 00	
		Paid S. M. Jarvis, who was sent from Fort Brown to the city of Mexico for the purpose of obtaining important testimony and documentary evidence, to be used in the Dobbin's suit, for his actual expenses while absent, from March 15, to August 2, 1851, and for amount paid in Mexico for assistance rendered in procuring said evidence	775 25	

			man and Leonard Dobbins	1,000 00	
			Paid Messrs. Basse & Hord, in May, 1853, additional amount for services as counsel in defending the suit of Leonard Dobbins *vs.* Major W. Chapman	500 00	
					2,549 26
April	17	J. L. Donaldson, brevet major, A. Q. M.	Paid R. E Goodell for services as postmaster, at Saltillo, Mexico, from February 6 to May 24, 1847	163 42	
			Paid H. P. Cabell for similar services, same place, from October 1, to December 11, 1847	108 32	
			Paid Samuel Rogers, in October, 1849, for services as guide	4 00	
			Paid John Driscoll, and J. Harvey & Co., in 2d and 3d quarters, 1852–'53, for muslin for target	17 68	
					293 42
	24	S. B. Buckner, brevet captain 6th infantry	Paid Henry Chambers, at Fort Snelling, in September, 1851, for hire of team to carry provisions		2 00
		Henry Benson, lieutenant 2d artillery	Paid James Calder, at Charleston, South Carolina, in October, 1850, for one coffin for the late T. B. J. Wild, lieutenant 2d artillery		25 00
		John Buford, lieutenant 2d dragoons	Paid William Hacker, at Albuquerque, N. M., in September, 1849, for services as interpreter	36 50	
			Paid James Amijo for similar services, at same place, in September, October and November, 1849	108 00	
					144 50
	25	James S. Folsom, captain, A. Q. M.	Paid G. H. Moore, at San Francisco, California, in September, 1851, for one small iron safe for use of pay department		45 00
	27	James Belger, major, A. Q. M.	Paid Wm. Swift, jr., at San Antonio, Texas, in August, 1852, for one iron safe	175 00	
			Paid Lyons, McDonald & Co., at San Antonio, Texas, in September, 1852, for advertising notice to Texas Rangers	5 00	
					180 00
May	1	C. M. Wilcox, lieutenant 7th infantry	Paid John A. Gernon, sheriff, at Corpus Christi, Texas, in November, 1853, for expenses in prosecuting a teamster for selling corn, the property of the United States		34 60
		H. A. Maynadier, lieutenant 1st artillery	Paid J. R. Walters, at Baton Rouge, Lousiana, in September, 1853, for funeral expenses of the late Captain J. M. Morgan, of ordnance department		40 00
	4	A. D. Tree, lieutenant 2d dragoons	Paid Feodore Minando, at Pueblo, Mexico, in July, 1847, for one coffin for the late Lieutenant Hill, 2d dragoons	13 25	

STATEMENT—Continued.

Date.	To whom paid.	For what purpose.	Amount.	Total.
May 4	A. D. Tree—Continued.....	Paid J. J. Etheridge, at San Antonio, Texas, for services as guide, in October, November, and December, 1850.....	$90 00	
		Paid George J. Neill, at Austin, Texas, in February, 1859, for services of himself and horse as guide.....	12 00	
				$115 25
17	R. H. Smith, lieutenant 3d artillery.....	Paid George Shepard & Son, at New London, Connecticut, in May 1851, for 89 pounds of rope for floating target.....	.....	12 46
June 17	J. N. Caldwell, captain 1st infantry.....	Paid Francisco Santiana, at Camp Ringgold, Texas, in February, 1849, for services as guide.....	4 50	
		Paid Andrew Walker, for 26 days service as guide, in February, 1849, from Camp Ringgold to San Antonio, Texas.....	78 00	
		Paid Prudencia Garcia, for 15 days services as guide, from Camp Ringgold to Lorado, Texas.....	15 00	
		Paid Roque Margricio, for services as guide to Captain Ford's company of Texas volunteers, for April and May, 1850.....	80 00	
				177 50
July 1	W. H. Seawell, late lieuten't 14th infantry.	Paid George Ainslie, in Mexico, in January, 1848, for one leaden coffin for Lieutenant B. S. Mudd, deceased.....	.....	55 00
5	P. W. Humphreys, late agent Q. M. Dep't	Paid A. N. Norton, at Corpus Christi, Texas, for services as guide, from September 19 to December 31, 1849.....	136 00	
		Paid A. J. Walker, at Corpus Christi, Texas, for services as guide, from September 12, 1849, to February 28, 1850.....	215 99	
		Paid A. N. Norton, at Corpus Christi, Texas, for services as guide, for January and February, 1850.....	80 00	
		Paid Roque Margricio, at Corpus Christi, Texas, for services as guide, in March, 1850.....	36 12	
				468 11
8	A. D. Steuart, paymaster.....	Paid McMurray & Gawly, St. Louis, Missouri, in May, 1854, for 1 large iron safe for use of the pay department at Santa Fé, New Mexico, with one of Hobbs' patent lock, for same.....	.....	311 00
26	S. D. Sturgis, lieutenant 1st dragoons.....	Paid José de Carben Dominguez, at Santa Barbara, California, in July, 1849, for services as guide.....	40 00.	
		Paid Uhania Garcia, at San Louis Obispo, California, in July, 1849, for services as guide.....	33 00	

		Paid William Breek, at Stockton, California, in August, 1849, for services as guide	175 00	
				248 00
	P. R. Thompson, captain 1st dragoons....	Paid Ira B. Brumson, at Fort Atkinson, in February, 1848, for services as guide	18 00	
		Paid Theodore Lupient, at Prairie du Chien, in June, 1846, for services as interpreter	78 75	
				96 75
	T. Henry, lieutenant 7th infantry.....	Paid William Wyatt, jr., at Fort Harney, Florida, in November, 1849, for services as pilot and guide	16 50	
		Paid Wm. H. Addison, at Fort Hamar, Florida, in November, 1849, for services as guide	9 00	
				25 50
August 2	J. P. J. O'Brien, brevet major.....	Paid John Rahn, Indianola, Texas, March 31, 1850, for 1 coffin for major O'Brien, now admitted in the settlement of his account		24 50
4	Albert Pleasanton, lieutenant 2d dragoons.	Paid Richard Owens, in New Mexico, for services as guide, from June 1 to September 5, 1849	776 00	
		Paid Michael Guelen, in New Mexico, for services as guide, from June 20 to September 5, 1849	308 00	
				1,084 00
	D. S. Simpson, lieutenant 2d artillery.....	Paid R. A. Conin, at Chapultepec, Mexico, in March, 1849, for 10 yards of crape		10 00
21	Thomas Swords, lieutenant colonel.....	Paid Henry S. Johnson, for services of himself, assistant, and two chainmen, surveying and making out plan of the public lands in the village of Plattsburg, New York, in January, 1854	94 50	
		Paid John S. Martin, New York, in February, 1854, for copying record of a court of inquiry	50 16	
				144 66
21	W. S. Grant, captain 4th infantry.....	Paid the Hudson Bay Company, in July, 1853, for 1¼ yards of crape		1 87
30	J. A. Haskins, brevet major, 1st artillery..	Paid J. W. Roberts, at Fort Brooke, Tampa Bay, in August, 1849, for copying proceedings of circuit court of Hillsborough county, in the case of Louis Zollinger	2 00	
		Paid William B. Brooker, at Fort Brooke, Florida, in November, 1849, for services of himself and horse, as guide	45 00	
				47 00
30	J. L. Corley, lieutenant 6th infantry.....	Paid John M. Perry, at Fort Des Moines, Iowa, in January, 1853, for services as attorney in behalf of the United States		20 00
	C. S. Winder, lieutenant 6th infantry.....	Paid F. Henry and Wm. Jones, Liverpool, England, January, 1854, for various articles purchased from them, for the immediate and pressing necessities of that portion of the San Francisco sufferers who were taken from the wreck of the ship Antarctic, and carried to Liverpool	1,186 78	

STATEMENT—Continued.

Date.	To whom paid.	For what object.	Amount.	Total.
Aug. 20	C. S. Winder—Continued	Paid William Brownell, Newport, Rhode Island, in February, 1854, for sundry articles purchased for similar purposes	$48 31	
				$1,235 09
Sept. 2	Cave J. Couts, lieutenant, A. A. Q. M.	Paid William Power, at San Diego, California, in December, 1849, for 95 days services as interpreter to the expedition to and from the junction of the Gila and Colorado rivers	285 00	
		Paid Thomas Chinn, same time and place, for 106 days services as Indian interpreter	212 00	
				497 00
	C. M. Wilcox, lieutenant 7th infantry	Paid Francis Mendiola, at Corpus Christi, Texas, in September, 1851, for services as guide		6 00
7	A. Montgomery, captain, A. Q. M	Paid James A. Little, at Matamoras, Mexico, in September, 1846, for services in post office	11 16	
		Paid E. A. J. Woolfolk, at Monterey, Mexico, for services in post office, from December 23, 1846, to April 4, 1847	136 77	
		Paid Durant da Ponte, at Monterey, Mexico, for services in post office, from May 23 to June 24, 1847	62 00	
		Paid J. H. Bean, at Monterey, Mexico, for services in post office, from June 25 to August 31, 1847	136 00	
				345 93
19	Isaac Shalcross	For surveying the old Lazaretto ground in September, 1854, near Fort Mifflin, and making plan		7 00
21	G. A. DeRussey, lieutenant 4th artillery	Paid Lorenzo Heras, at Soluca, Mexico, in March, 1848, for 3 yards of crape		5 62
	O. A. Mack, lieutenant 4th artillery	Paid Thomas Cliff, at Oswego, New York, in December, 1852, for 3 sets of fetters		3 75
28	J. B. Collins, lieutenant 4th infantry	Paid J. H. Russell, at Mountain House, Oregon Territory, in May 1853, for lumber		1 20
29	John W. Ashmead, attorney at law	For professional services, in 1852, in the investigation of frauds attempted, for reimbursements of expenses incurred in fitting out volunteers for the Mexican war	200 00	
		For professional services in July, 1854, procuring an injunction to prevent excavations near the walls of the Schuylkill arsenal	250 00	
		Incidental expenses and search at clerk's office	8 37	
				458 37

Nov.	6	J. H. Whittlesey, lieutenant 1st dragoons..	Paid the following named persons for services as [illegible], &c., in New Mexico, in 1847, '48, and '49:		
			Asa Estis, 34 days	144 00	
			C. Carson, 47 days	235 00	
			S. B. Maxwell, 26 days	104 00	
			L. Mitchell, 47 days	213 00	
			C. Ortivis, 53 days	236 00	
			T. Ortivis, 16 days	144 00	
			Antoine Leroux, 88 days	377 00	
			L. Carson, 21 days	105 00	
			R. Owens, 21 days	105 00	
			T. Boggs, 21 days	105 00	
			Antoine Diette, 21 days	84 00	
			Jose M. Lamora, 21 days	42 00	
			Jesus Silver, 21 days	42 00	
			E. J. Vaughan, 30 days	60 00	
			C. Beaubien, 2 months	120 00	
			Ignacio Jarmilla, 2 months	10 00	
			Luke Murray, 3 days	12 00	
			Jose Zamora, 3 days	9 00	
			Juan Domingo, 3 days	6 00	
			P. G. Cochran, 19 days	36 77	
			Wm. Hacker, 17 days	32 89	
			H. L. Casey, 4 months	240 00	
			J. H. Mink, 1 month	60 00	
			A. C. Metcalf, 43 days	195 00	
			J. H. Mink, rent of room for 1 month	10 00	
					12,727 66
Nov.	21	Henry Stanton, gen., assist. quart'r gen'l.	Paid the following named persons in July, 1854, as surveyor, assistants, &c., surveying "military reserve" at Fort Howard, Wisconsin:		
			E. L. Royee, surveyor, 10 days	50 00	
			M. S. Snaler, 33 days	66 00	
			D. W. Hubbard, 21 days	31 50	
			John Warren, 6 days	9 00	
			E. Root, 11 days	16 50	
			Hyram D. Bates, 11 days	16 50	
			B. Chapman, 47 days	70 50	
			Charles Ward, 4 days	6 00	
			C. D. Robinson, advertising and and printing blanks	18 25	
					284 25

STATEMENT—Continued.

Date.	To whom paid.	For what purpose.	Amount.	Total.
Nov. 27	T. R. Jackson, lieutenant 8th infantry....	Paid Adams & Hickman, at Fort Bliss, Texas, in June, 1854, for cambric, merino, &c. for lining the coffin of Lieutenant De Lano, late of the 2d dragoons.....		$12 38
Nov. 28	D. H. Vinton, major, quartermaster.....	Paid Chambers & Knapp, St. Louis, Missouri, in May, 1850, for advertising Fort Armstrong for sale.....	$13 00	
		Paid John Mickham, St. Louis, Missouri, in May, 1854, for professional services, in defending petition under habeas corpus act, in the case of a recruit of the 6th infantry.....	10 00	23 00
Nov. 30	N. J. T. Dana, captain, assist. quarterm'r	Paid J. H. Webb, clerk of steamer Robert Fulton, at St. Louis, Missouri, in August, 1850, for transportation of 13 Indians from St. Louis, to Fort Leavenworth.....	91 00	
		Paid Charless & Blow, at St. Louis, Missouri, in August, 1850, for 1 compass, tripod, and chain.....	68 00	159 00
Dec. 23	P. F. Smith, brevet major general.....	Paid E. O. Crosby, by Major Ed. H. Fitzgerald, assistant quartermaster, in 3d quarter of 1849, by order of General Smith, for 5 days' services as guide "from the mouth of Feather river, by the Upper Yuba, to the north fork of the American river, in California".....		160 00
				17,432 55

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *January* 10, 1855.

P. CLAYTON, *Second Auditor.*

3D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 20.

REPORT

OF

THE SECRETARY OF STATE,

COMMUNICATING

list of the clerks, messengers, and others employed in the Department of State during the year 1854, the State or Territory from whence appointed, and the amount paid to each.

JANUARY 15, 1855.—Read and ordered to be printed.

DEPARTMENT OF STATE,
Washington, January 11, 1855.

SIR: The Secretary of State, in obedience to the act to regulate and ; the compensation of clerks in the different offices, approved on the)th April, 1818, and to the 11th section of "an act legalizing and aking appropriations for such necessary objects as have usually been cluded in the general appropriation bills without authority of law, id to fix and provide for certain incidental expenses of the departents and offices, and for other purposes," approved on the 26th of ugust, 1842, respectfully reports the accompanying statements, (A, , and C,) containing, in addition to the information required by those :ts, that called for by a resolution of the House of Representatives the 13th January, 1846.

The services of the clerks permanently employed under existing ws could not be dispensed with without injury to the public interests.

I have the honor to be, sir, very respectfully, your obedient servant,

W. L. MARCY.

Hon. JESSE D. BRIGHT,
President of the Senate.

A.

List of clerks employed in the Department of State during the year 1854, *as authorized by the acts of April* 23, 1830, *May* 9, 1836, *August* 12, 1842, *March* 3, 1851, *and August* 4, 1854.

Names.	Grade.	Time employed.	State or Territory of residence when appointed.	Amount paid.
William Hunter	Chief clerk	The year	Rhode Island	$2,000 00
Abel French	Claims do	....do	New York	2,000 00
Francis Markoe	Principal do	....do	Pennsylvania	2,000 00
Robert S. Chew	....do....do	....do	Virginia	2,000 00
L. F. Tastro	Translator	....do	District of Columbia	1,600 00
A. H. Derrick	Clerk	....do	Pennsylvania	1,600 00
H. D. Johnson	...do	4 months 22 days	District of Columbia	626 08
James S. Mackie	...do	The year	Maryland	1,500 00
Edward Stubbs	Agent	....do	New York	1,450 00
W. C. Reddall	Clerk	....do	District of Columbia	1,400 00
John P. Polk	...do	....do	Pennsylvania	1,400 00
George J. Abbot	...do	....do	New Hampshire	1,400 00
George Chipman	...do	....do	Vermont	1,400 00
R. S. Chilton	...do	....do	New York	1,400 00
George Hil	...do	....do	District of Columbia	1,400 00
Edmund Flagg	...do	7 months 16 days	Missouri	878 80
W. E. Stubbs	...do	4 months 15 days	Maryland	521 20
A. C. Gillett	...do	4 months 20 days	Florida	540 21
Charles V. Gordon	...do	The year	Louisiana	1,073 36
C. G. Baylor	...do	4 months 16 days	Texas	450 00
H. D. J. Pratt	...do	The year	Massachusetts	936 68
George Bartle	...do	....do	Virginia	836 69
William J. Bromwell	...do	4 months 13 days	Maryland	293 48

Messenger and assistant messenger, employed under act of May 26, 1824.

Names.	Grade.	Time employed.	State or Territory of residence when appointed.	Per centage.	Amount paid.
Calvin Ames	Messenger	The year	Massachusetts	$140 00	$840 00
William H. Prentiss	Assistant do	7 months	District of Columbia	20 89	225 37

C.

List of persons employed as extra clerks, packer, and laborers in the Department of State during year 1854.

Names.	Grade.	Time employed.	Amount paid.
W. J. Bromwell	Extra clerk	170 days	$680 00
E. Pitts	...do...do	135 days	540 00
H. C. McLaughlin	...do...do	138 days	552 00
George W. Beers	...do...do	135 days	405 00
Joseph W. Newcomb	...do...do	105 days	375 00
W. E. Stubbs	...do...do	193 days	772 00
William P. Faherty	Packer, proof reader, distributing laws and documents and arranging books in copy-right bureau	The year	1,350 00
Josiah Melvin	Proof reader	247 days	988 00
E. W. Hansell	Laborer	The year	504 00
James J. Martin	...do	...do	504 00
James Williamson	...do	6 months	288 00
Charles H. Brown, colored	...do	The year	504 00
John McGuire	...do	11 months	468 00
W. A. Scott	...do	10 months 25 days	462 00
Thomas Thomas	...do	6 months	288 00
Anthony Best	...do	8 months	313 04
W. Lucas	...do	5 months 22 days	273 91
W. J. Osborn	...do	5 months 17 days	199 40
John Brannan	...do	4 months	190 95
F. X. Dant	...do	1 month 11 days	65 70
James McGrann	...do	1 month	48 54
A. Somerville, colored	...do	34 days	34 25
A. R. Locke	Packing laws	18 days	27 00
J. M. Smith	...do...do	16 days	24 00
J. W. Prender	Laborer	1 month	36 00

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 21.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A report of the Secretary of State, in compliance with a resolution of the Senate calling for a statement of the names of the ministers, &c., appointed since March 4, 1849.

JANUARY 16, 1855.—Read, and ordered to be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d instant, requesting "a statement of the names of the ministers, chargés d'affaires, and the secretaries of legation of the United States, appointed since the 4th of March, 1849, together with the dates of their commissions, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat," I transmit the accompanying report from the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, *January* 11, 1855.

DEPARTMENT OF STATE,
Washington, January 10, 1855.

The Secretary of State, to whom was referred a resolution of the Senate of the 3d instant, requesting the President to furnish that body "with a statement of the names of the ministers, chargés d'affaires, and the secretaries of legation of the United States appointed since the 4th of March, 1849, together with the dates of their commission, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat," has the honor to lay before the President the accompanying statement embracing the information called for by the resolution.

All of which is respectfully submitted,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

Statement exhibiting the names of the ministers, chargés d'affaires, and the secretaries of the legations of the United States, appointed since March 4, 1849, with the dates of their commissions, the time of the commencement of their compensation, of their departure for their posts, and of their entering upon their official duties thereat, so far as the same can be ascertained from the records and files of the Department of State.

Name.	Rank.	Country.	Date of commission.	Commencement of compensation.	Departure for post.	Entered upon official duties.
Abbott Lawrence..	Envoy ex. and min. plenipot'y.	England.....	August 20, 1849....	August 20, 1849....	September, 1849....	October 11, 1849....
Joseph R. Ingersoll.	.....do.....do.....	....do.....	August 21, 1852....	August 21, 1852....	September 18, 1852.	October 16, 1852....
James Buchanan..	.....do.....do.....	....do.....	April 11, 1853.....	April 11, 1853.....	August 6, 1853.....	August 23, 1853....
John C. B. Davis..	Secretary of legation.....	....do.....	June 7, 1849.....	July 18, 1849.....	July 18, 1849.....	August 1, 1849.....
Wm. H. Trescott..	.....do.....do.....	....do.....	December 30, 1852..	December 30, 1852..	January, 1853.....	January 28, 1853 ...
John Appleton....	.....do.....do.....	....do.....	May 20, 1853.....	Declined the appointment	.....	.....
Daniel E. Sickles..	.....do.....do.....	....do.....	July 30, 1853.....	July 30, 1853.....	August 6, 1853.....	August 23, 1853....
William C. Rives..	Envoy ex. and min. plenipot'y.	France.....	July 20, 1849.....	July 20, 1849.....	August 22, 1849....	September 8, 1849..
John Y. Mason....	.....do.....do.....	....do.....	October 10, 1853...	October 10, 1853....	December 24, 1853..	January 22, 1854...
Henry S. Sanford..	Secretary of legation.....	....do.....	August 20, 1849....	August 20, 1849....	Supposed to have been in Europe at the time of his appointment	September 22, 1849.
Donn Piatt.....	.....do.....do.....	....do.....	April 12, 1854.....	April 12, 1854.....	At his post at the time of his appointment	April 12, 1854.....
Neill S. Brown....	Envoy ex. and min. plenipot'y.	Russia	May 2, 1850.....	May 2, 1850.....	June 15, 1850.....	August 13, 1850....
Thos. H. Seymour.	.....do.....do.....	....do.....	May 24, 1853.....	October 20, 1853....	December 24, 1853..	April 2, 1854.....
Edward H. Wright.	Secretary of legation.....	....do.....	May 2, 1850.....	May 2, 1850.....	June 15, 1850.....	August 13, 1850....
R. Augustus Irving	.....do.....do.....	....do.....	June 22, 1853.....	June 22, 1853.....	December 24, 1853..	April 2, 1854.....
George Folsom....	Chargé d'affaires.....	Netherlands..	May 4, 1850.....	May 14, 1850.....	July 6, 1850.....	September 16, 1850.
August Belmont...	.....do....do.....	....do.....	May 24, 1853.....	August 6, 1853.....	Aug. or Sept. 1853.	October 11, 1853...
Thos. A. R. Nelson	Commissioner.....	China	March 6, 1851.....	Declined the appointment	.....	.....
Joseph Blunt.....	.....do.....	....do.....	October 15, 1851....	....do.....do.....	.....	.....
Humphrey Marshall	.....do.....	....do.....	August 4, 1852.....	August 4, 1852.....	October 2, 1852....	January 31, 1853...
Robert J. Walker..	..... do	....do.....	June 21, 1853.....	Declined the appointment	.....	.....

Robert M. McLane	....do.....	..do.....	October 18, 1853....	October 18, 1853....	Nov. or Dec. 1853..	April 15, 1854.....
D. M. Baringer....	Envoy extra'y and min. plen...	Spain.....	June 18, 1849.....	June 18, 1849.....	September, 1849....	October 22, 1849....
Pierre Soulé.....	.....do.....do.....	..do.....	April 7, 1853.....	May 26, 1853.....	.....	October 25, 1853....
H. G. Perry.....	Secretary of legation.....	..do.....	July 5, 1849.....	July 5, 1849.....	September, 1849....	October, 1849.....
E. A. Hannegan...	Envoy extra'y and min. plen...	Prussia	March 22, 1849.....	March 22, 1849.....	May 6, 1849.....	June 30, 1849.....
D. D. Barnard.....	.....do.....do.....	..do.....	September 3, 1850..	September 3, 1850..	.....	December 10, 1850..
P. D. Vroom.....	.....do.....do.....	..do.....	May 24, 1853.....	August 9, 1853.....	September, 1853....	November 4, 1853...
O. J. Wise.....	Secretary of legation.....	..do.....	May 19, 1853.....	May 19, 1853.....	.....	August 2, 1853. ....
G. P. Marsh.....	Minister resident.....	Turkey	May 29, 1849.....	May 29, 1849.....	September 21, 1849.	March 11, 1850.....
Carroll Spence....	....do.....do.....	..do.....	August 23, 1853.....	August 23, 1853....	October 10, 1853....	February, 1854.....
Theo. S. Fay.....	....do.....do.....	Switzerland ..	March 16, 1853.....	July 1, 1853.....	June 4, 1853.....	June 29, 1853.....
John B. Clay.....	Chargé d'affaires.....	Portugal.....	August 1, 1849.....	August 1, 1849.....	September, 1849....	October 18, 1849....
C. B. Haddock....	....do.....do.....	..do.....	December 10, 1850..	December 10, 1850..	April, 1851.....	June, 1851.....
J. L. O'Sullivan...	....do.....do.....	..do.....	February 16, 1854..	February 16, 1854...	April 1, 1854.....	June 16, 1854.....
R. H. Bayard.....	....do.....do.....	Belgium.....	December 10, 1850..	December 10, 1850..	January 1, 1851.....	March 1, 1851.....
J. J. Seibels.....	....do.....do.....	..do.....	May 24, 1853.....	July 18, 1853.....	July 18, 1853.....	September 12, 1853.
W. Forward.....	....do.....do.....	Denmark	November 8, 1849...	January 1, 1850....	.....	June 19, 1850.....
A. J. Ogle.....	....do.....do.....	..do.....	January 22, 1852....	July 1, 1852.....	(Recalled before leaving).....	.....
Miller Grieve	....do.....do.....	..do.....	August 30, 1852....	August 30, 1852....	October, 1852	December 15, 1852..
H. Bedinger.....	....do.....do.....	..do.....	May 24, 1853.....	July 1, 1853.....	July 13, 1853.....	October 13, 1853....
F. Schroeder.....	....do.....do.....	Sweden.....	November 7, 1849...	November 1, 1849...	About Dec. 1, 1849.	April 22, 1850.....
J. W. Webb.....	....do.....do.....	Austria.....	November 1, 1849...	November 1, 1849...	December, 1849, or January, 1850....	February 6, 1850 ...
C. J. McCurdy	....do.....do.....	..do.....	September 27, 1850.	September 27, 1850.	January, 1851.....	March 14, 1851.....
T. M. Foote.....	....do.....do.....	..do.....	September 16, 1852.	September 16, 1852.	October 30, 1852....	December 14, 1852..
H. R. Jackson.....	....do.....do.....	..do.....	May 24, 1853.....	July 25, 1853.....	August, 1853.....	September 16, 1853.
W. B. Kinney.....	....do.....do.....	Sardinia	April 22, 1850.....	April 22, 1850.....	.....	August 21, 1850 ....
R. K. Meade.....	....do.....do.....	..do.....	May 24, 1853.....	.....	Declined.....	.....
J. M. Daniel.....	....do.....do.....	..do.....	July 23, 1853.....	August 14, 1853....	September, 1853....	October 8, 1853.....
T. W. Chinn.....	....do.....do.....	Two Sicilies..	June 5, 1849	June 5, 1849.....	.....	Ret'rn'd before reaching post.....
J. M. Power.....	....do.....do.....	..do.....	November 1, 1849...	.....	(Did not set out)...	.....
E. Joy Morris	....do.....do.....	..do.....	January 10, 1850 ...	January 10, 1850....	February 23, 1850...	April 4, 1850.....
R. D. Owen.....	....do.....do.....	..do.....	May 24, 1853.....	June 30, 1853.....	August 4, 1853	October 22, 1853....
Gales Seaton.....	Secretary of legation	Federal Gov't of Germany.	March 19, 1849.....	March 19, 1849.....	June, 1849	June 20, 1849.....
Robert P. Letcher..	Envoy extra'y and min. plen...	Mexico.....	August 9, 1849	August 23, 1849....	January 14, 1850....	February 7, 1850 ...
Alfred Conkling ...	.....do.....	....do.....	August 6, 1852	August 6, 1852.....	October 15, 1852....	November 30, 1852..
James Gadsden....	.....do.....	....do.....	May 24, 1853.....	May 24, 1853.....	August 1, 1853	August 17, 1853....
John Slidell.....	.....do.....	Cen. Amer...	March 29, 1853.....	Declined.....	.....	.....

STATEMENT—Continued.

Name.	Rank.	Country.	Date of commission.	Commencement of compensation.	Departure for post.	Entered upon official duties.
Solon Borland.....	Envoy extra'y and min. plen...	Cen. Amer ..	April 18, 1853.....	July 1, 1853.....	July 30, 1853.....	September 14, 1853..
Robert C. Schenck.	.....do.....	Brazil.....	March 12, 1851.....	March 12, 1851.....	July 8, 1851.....	August 9, 1851 .....
William Trousdale.	.....do.....	....do.....	May 24, 1853.....	July 12, 1853.....	August 11, 1853....	October 6, 1853.....
Balie Peyton.....	.....do.....	Chili	August 9, 1849	July 6, 1849.....	November 14, 1849..	February 16, 1850...
Samuel Medary ...	.....do.....	....do.....	May 24, 1853.....	Resigned.....	.....	.....
D.A. Starkweather.	.....do.....	....do.....	June 29, 1854.....	June 29, 1854	September 5, 1854..	At Valparaiso, *en route* for the capital, Oct. 11, 1854.
J. Randolph Clay..	.....do.....	Peru	March 16, 1853.....	March 16, 1853.....	At his post when appointed.....	August 22, 1853....
E. George Squier..	Chargé de affaires.....	Guatemala...	April 2, 1849.....	April 2, 1849.....	May 9, 1849.....	July 9, 1849.....
J. Bozman Kerr....	.....do.....	Nicaragua....	March 12, 1851.....	March 12, 1851.....	.....	August 1, 1851 .....
Balis M. Edney....	.....do.....	Guatemala...	August 30, 1852	August 30, 1852	Commission revoked before leaving U.S..	.....
John L. Marling...	Minister resident.....	.....do.....	August 2, 1854	August 2, 1854	October 28, 1854....	Not yet reported....
John H. Wheeler..	.....do.....	Nicaragua ...	August 2, 1854	August 2, 1854	October 28, 1854....	.....
S. Nevitt Steele ...	Chargé de affaires.....	Venezuela....	November —, 1849..	December 5, 1849...	December 5, 1849...	January 7, 1850.....
Charles Eames.....	.....do.....	.....do.....	February 9, 1854....	February 9, 1854....	April 15, 1854.....	May 23, 1854.....
John S. Pendleton .	.....do.....	Argentine Rep	February 27, 1851 ..	February 27, 1851 ..	June 9, 1851.....	September 12, 1851 .
Wm. H. Bissell ...	.....do.....	Buenos Ayres.	May 24, 1853.....	Declined.....	.....	.....
James A. Peden ...	Minister resident.....	..do.....	June 29, 1854.....	June 29, 1854.....	August 5, 1854	At Rio de Janeiro, *en route*, Oct. 20, 1854.
Alex. K. McClung.	Chargé d'affaires.....	Bolivia	May 29, 1849.....	May 29, 1849.....	.....	July 4, 1850.....
Horace H. Miller..	....do.....do.....	..do.....	February 10, 1852 ..	February 10, 1852 ..	August 1, 1852	December 18, 1852..
Chas. L. Woodbury	....do.....do.....	..do	May 24, 1853.....	Declined.....	.....	.....
John W. Dana....	....do.....do.....	..do.....	August 26, 1853	August 26, 1853	November 21, 1853..	February 23, 1854 ..
John T. Van Alen .	....do.....do.....	Ecuador	June 5, 1849.....	June 5, 1849	August 27, 1849	November 19, 1849..
Courtland Cushing.	....do.....do.....	..do.....	September 28, 1850 .	September 28, 1850 .	January 11, 1851 ...	June 3, 1851 .....
Philo White.....	....do.....do.....	..do.....	July 18, 1853.....	September 8, 1853 ..	October 20, 1853....	December 27, 1853..

[illegible]	Commissioner	Hawaii	June 7, 1850	June 7, 1850	August —, 1850	[illegible]
Shelton F. Leak	do	do	May 24, 1853	Declined		
David L. Gregg	do	do	July 6, 1853	August 29, 1853		December 22, 1853
Buckingham Smith	Secretary of Legation	Mexico	Sept. 9, 1850	Sept. 9, 1850	Nov. 1, 1850	Dec. —, 1851
William Rich	do do	do	Jan. 22, 1852	Jan. 22, 1852	Feb. 2, 1852	March 17, 1852
John S. Cripps	do do	do	May 13, 1853	May 13, 1853		August 2, 1853
J. Elias Warren	do do	Central Amer.	April 6, 1853	Declined		
Fred. A. Beelen	do do	do do	April 28, 1853	April 28, 1853	July 30, 1853	July 30, 1853
Franklin H. Clack	do do	Brazil	March 12, 1851	June 19, 1851		July —, 1851
Ferdinand Coxe	do do	do	Oct. 24, 1851	Oct. 24, 1851	At his post when appointed	
W. Grayson Mann	do do	do	August 2, 1854	August 4, 1854	August 5, 1854	Nov. 9, 1854
B. R. Hardin	do do	Chili	Nov. 27, 1849	August 9, 1849	Never entered upon his duties	
Jesse B. Holman	do do	do	June 24, 1850	June 24, 1850	Sept. 10, 1850	January 5, 1851
Thos. E. Massey	do do	do	July 28, 1853	Resigned without service		
Fred. A. Beelen	do do	do	April 18, 1854	August 2, 1854	Sept. 5, 1854	
John J. Martin	do do	Peru	March 28, 1853	Declined		
James C. Marriott	do do	do	Sept. 12, 1853	Sept. 12, 1853	March —, 1854	April 18, 1854

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 22.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A report of the Secretary of War on the subject of Indian hostilsties.

JANUARY 18, 1855.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of War upon the subject of Indian hostilities. The employment of volunteer troops, as suggested by the Secretary, seems to afford the only practicable means of providing for the present emergency.

There is much reason to believe that other cases, similar in character to those particularly referred to in the accompanying papers, will at an early day require vigorous measures, and the exhibition of a strong military force.

The proposed temporary provision to meet a special demand, so far from obviating, in my judgment, only serves to illustrate the urgent necessity of an increase of the regular army, at least to the extent recommended in my late annual message. Unless, by the plan proposed, or some other equally effective, a force can be early brought into the field, adequate to the suppression of existing hostilities, the combination of predatory bands will be extended, and the difficulty of restoring order and security greatly magnified. On the other hand, without a permanent military force of sufficient strength to control the unfriendly Indians, it may be expected that hostilities will soon be renewed, and that years of border warfare will afflict the country, retarding the progress of settlement, exposing emigrant trains to savage barbarities, and consuming millions of the public money.

The state of things made known in various letters recently received at the War Department, extracts from a portion of which are herewith enclosed, is calculated to augment the deep solicitude which this matter has for some time past awakened, and which has been earnestly expressed in previous messages, and in the annual reports of the Secretary of War.

I respectfully submit that the facts now communicated urgently call for immediate action on the part of Congress.

FRANKLIN PIERCE.

WASHINGTON, January 16, 1855.

WAR DEPARTMENT,
Washington, January 15, 1855.

SIR: In the annual report from this department, of December, 1853, your attention was called to the state of the western Indian tribes and the causes which tended to bring them into hostility with our citizens. The exposed condition of the settlements on the frontiers, and of emigrants to California and Oregon passing through the Indian country with their property, presented to those warlike and predatory tribes temptations which it was forseen would lead them to acts of massacre and plunder unless they were restrained by the presence of a sufficient military force.

The total inadequacy of the present authorized military force for the protection of our citizens was shown, and an increase of the army was urgently recommended.

In my last annual report, the subject was again brought forward with the additional considerations presented by the realization, in some measure, of the evils which had been anticipated, and an increase of the army to such an extent as would enable the department to meet the inevitable emergency, was urged in such terms as appeared to be demanded by the occasion, and to demonstrate the necessity of the measure.

Since the date of that report, intelligence received from officers on the frontier, and through the Department of the Interior from Indian agents, and other sources, show that the Indians of the western prairies and mountains are in hostile and defiant attitude, that several of those tribes have entered into combinations for the purpose of making a general war upon the whites during the approaching spring and summer, and that those tribes can bring into the field from four to six or eight thousand warriors. Had the increase of the army, which was urged in my report of December, 1853, been, at an early period, authorized, the force at the disposal of the department would have been sufficient to prevent these combinations, and, in all probability, would have preserved the lives of many valuable citizens from Indian massacre. This measure, however, has not been acted on, and at this advanced period, should the bills, now pending in Congress, be passed, it will be found too late to organize a regular enlisted force, and place it in position in season to prevent the anticipated attack, or to suppress it until after much mischief shall have been done. The only course now left to the department in anticipation of the proposed increase, is the employment of a volunteer force to co-operate with such of the regular troops as can be collected for the present emergency, and it is accordingly recommended that authority be asked of Congress to call into service 3,000 mounted volunteers, to be organized into companies, squadrons and battalions, and to serve for a period of eighteen months, unless sooner discharged.

Should the proposed increase of the army be authorized during the present session, it is hoped that the two additional regiments of cavalry may be organized, mounted, and put in position to relieve the volunteers *some* time during the summer or fall; and the two regiments of infantry *recruited* and organized for service in the department of the Pacific,

and on our extreme northwestern frontier, where troops are greatly needed.

Very respectfully, your obedient servant,

JEFFERSON DAVIS.

Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

HEADQUARTERS FORT LARAMIE,

November 29, 1854.

COLONEL: Pursuant to your instructions of the 17th ultimo, I have the honor to make the following report in relation to the country occupied by the Sioux, their numbers, the best points for operating against them, &c.

These Indians are divided into several bands, who live in different sections of the country, and have separate interests.

The Oyer-lal-lah occupy the country from the head waters of Powder river south, to the south fork of the Platte, and between the forks of the Platte. They generally winter on the Powder river, or between it and the Platte. The northern part of their country is intersected by the Black Hills, but wagons can pass through it in various directions with little difficulty. It is abundantly supplied with wood, and fine streams of water. They have two hundred and thirty lodges, and, counting three warriors to a lodge, and twelve persons, they number about 700 warriors, and of all ages and sexes, about 2,700.

The Brulies have 200 lodges, and the Wah-sah-zhe, a branch of the Brulies, and generally associated with them, have 75 lodges, and in all they number 800 warriors, and 3,300 men, women, and children. The Bear, who was made chief of all the Sioux at the treaty held near this post in 1851, recently deceased, of wounds received when Lieutenant Grattan's party was massacred, was a Wah-sah-zhe, and the chief of that band. It is made up of murderers and outlaws, from other bands of Sioux. The country of the Brulies extends from the sources of the White river south, across the *L'eau qui-court*, to the Platte, and as far east as the forks of the Platte. Between the L'eau qui-court and the Platte the country from the head of Loup fork west, to a point opposite Horse creek, is made up of sand hills, interspersed with small lakes. This country has no timber in it, and very little other grass than the buffalo grass. It is almost unknown, except to the Indians, with whom it is a favorite resort in winter. There are traders who have crossed it occasionally. Troops would have no difficulty in passing from one river to the other.

The Men-i-cou-zha have 275 lodges, and their kindred bands, who live on the Missouri, the Oak-pa-pas, have 200 lodges; the Black-feet, (a band of Sioux,) 200, and the Nobows 240; in all 815 lodges, and they number about 2,400 warriors, and 9,780 men, women and children. They occupy the country from the Missouri west to the sources of the two forks of the Cheyenne, in the Black Hills, and from the Moro river south to White river. The whole of the country is well watered *and timbered, and is* a favorite range of the buffalo. From the

forks of the Cheyenne west it is much broken by ranges of the Black Hills, but troops with wagons would find little difficulty in penetrating it, by two or three different routes.

Accompanying this, is a rough map made up from a description of the country by those who are best acquainted with it, and though not accurate, it will give a very good foundation on which to base a plan of operations. Two roads are laid down on the map, from this place, on which heavily-loaded wagons have passed: one to Fort Pierce, on the Missouri, and one to the north fork of the Cheyenne, by the White river, and returning by a more direct route through the Black Hills. Wagons have also crossed from Ash Hollow on the Platte north, to L'eau qui-court.

A movement against the Brulies may be made by a force from Fort Kearny, by marching up the Platte and crossing at Ash Hollow, and also from this post; and to penetrate the Oyer-lal-lah country, or that of the Minicoughas from the west, troops can move with great facility from this post. Operations may also be conducted against the Minicoughas and their Missouri allies from Fort Pierce, or some other point lower down on the Missouri.

I would respectfully recommend that these commands, each consisting of two companies of dragoons and three companies of infantry, with one or two mountain howitzers, be sent into the field against the Sioux—one from Fort Pierce, one from Fort Kearny, and one from this post. A single command sent into so extensive a country might be eluded by the Indians during a whole season.

I deem it proper to state, in this connexion, that a few days since a messenger was sent in by the chief of the Oyer-lal-lahs to a trader who lives a few miles above on the Laramie, with the following message, which they desired should be delivered to me. They say they took no part in the murder of Lieutenant Grattan's command. One of the chiefs was shot at by the Brulies for interfering in behalf of the whites. As they were leaving the morning after the massacre, word was sent to them that the Brulies were going to take the presents which were stored at the American Fur Company's store, and as they were entitled to a share of them, they returned and took their part. They then came up in this vicinity, and sent word to Lieutenant Fleming that they would establish their camp wherever he said, and that they were ready to assist him if he desired it. This part of their statement is true, and the interpreter who brought the message to Lieutenant Fleming said that at the request of the chiefs he had been haranguing the young men all night to prevent their leaving the village. Afterwards they were at the forks of the Cheyenne, where the Minicoughas were receiving presents, including arms and ammunition, from the Indian agent of that district. The Minicoughas wished them to take presents also, and to remain with them and take part in the war. This they declined, and they immediately moved their village over to Powder river, and, so far as stealing horses goes, they and the Crows are now at war with the Minicoughas. Twenty-five lodges of Minicoughas, who would not join in the war against the whites, are with them. The chiefs express a *great* desire to be at peace with us, and wish the Oyer-lal-lahs had *nothing* to do with originating the difficulty in the Brulie village, and,

as a body, they did not join in the massacre, but it is possible that some of the young men did take part in killing the soldiers.

They say they will remain quiet where they are till they hear from me. Under your instructions I could only say that, until I heard from Washington, I had no word to send them.

The messenger brought word, also, that there was a camp of a thousand lodges of Brulies, Minicoughas, Yanktons, Omahas, and Poncas on the L'eau qui-court, who say they will keep up the war on the road all winter, and in the spring they will meet the troops who are sent against them. It was from this camp that the party went who took the mules from Fort Kearney in September. He says, also, that forty lodges of Brulies are on the L'eau qui-court where the Bear is burned, and they say they will kill all the whites they find on the road. The son-in-law of the Bear headed the party which stole the mail mules from Fort Kearny recently; and it was from this camp that the war party went that attacked the mail wagon on the 13th inst., killing three men and wounding a fourth, and carrying off $10,000 in gold among the booty.

These are Indian tales, and with some truth, doubtless, there is much fiction and exaggeration.

The messenger says, too, that the traders on the Missouri sell the Indians as much ammunition as they want, and tell them that they are their friends, while the traders on the Platte will sell them none, and are not their friends.

I have prohibited all trade with the Sioux by the traders in this vicinity, and they are not permitted to sell ammunition to any Indians. My command nominally consists of three companies, but, in fact, it is less than two companies.

I respectfully suggest that twelve or fifteen Delawares be sent out with each command to serve as guides and scouts. Without their assistance troops would find it difficult, if not impossible, to overtake Indians who are flying from them. They may be engaged at Fort Leavenworth very readily.

Very respectfully, your obedient servant,

W. HOFFMAN,

Major and Brevet Lieut. Colonel 6th Infantry, Com'd'g.

Col. S. COOPER,

Adjutant General U. S. A., Washington, D. C.

FORT PIERCE, *November* 21, 1854.

SIR: I had the honor of addressing you on the 18th of October, enclosing my annual report. At that time I had just returned from my visit to the Yellow Stone river, and could only briefly remark on the late unfortunate affair at Fort Laramie.

Since that time the whole of the Brulies, as well as most of the other bands of Sioux Indians who were present at that affair, have arrived in the vicinity of this place, and their conduct and talk has produced the greatest excitement among the other bands of Sioux tribes. Feeling that their conduct *will draw* upon them chastisement from the govern-

ment, they are urging all the others to prepare to join them in defence against any United States troops that may be sent, stating that the ease with which they killed the unfortunate party at the Platte shows them that they can easily overcome any party or numbers that may be sent against them. They are untiring in procuring ammunition and guns, arrow points, and all implements of war, for that purpose.

It is true they have been counselled by their agents, for years past, that if they did not desist from going to war and committing depredations, that the consequence would result in troops being sent amongst them, and force them into measures, to all of which they have turned a deaf ear, lulling themselves into security by the impression that they cannot be reached.

The Brulies from the Platte, the Ouh-papas, Black-feet Sioux, a part of the Yanctonies, Sans Arc, and Minecougan bands of the Missouri, openly bid defiance to the threats of the government, and go so far as to say that they do not fear the result should soldiers come to fight them. The rest of the tribes in this agency are disposed to do right, and many of them at once would unite in exterminating the above bands. Several of them have come voluntarily to me and stated that any information that might be required, should a force be sent here to chastise these, they will hold themselves in readiness to give any information relative to their locality and movements in their power, and render any assistance that may be required of them.

Something should be done to show the power of the government, and that speedily, otherwise there is no knowing the result. Every man's life in the country is in jeopardy. Place yourself in my situation, while on a visit to the Crows, up the Yellow Stone river, with a war party of seventy-one stout, athletic, blood-thirsty Black-feet warriors, travelling after you for days, with equivalent to no protection at all, waiting momently for an opportunity to present itself to scalp you or any one they could reach with their guns; then witness the conduct of the *Unc*-papas and Black-foot Sioux, with one hundred or more lodges waiting on the banks of the river for my return, and in full council assembled, *peremptorily*, and with every manifestation of hostility, telling me that they did not want any of their great father's presents; that they preferred scalps and stealing horses to anything he could give them. Then witness the conduct of the Yanctonies, of some one hundred lodges, on the banks of the river. I stopped, through feelings of humanity and courtesy, to have a talk with them, and make them a present of some coffee, sugar, flour, tobacco, powder, and balls, which I purchased at Fort Clarke, knowing they would expect something. I spent some two hours or more with them in council, all of which they appeared to receive with marked respect and attention, when, to my utter astonishment, a noted scoundrel, called and known as Red Calf, drew from his scabbard a huge knife, and cut each one of the sacks, and scattered the contents furiously in every direction. He then threw the tobacco, powder, and balls in the river, and in quick succession forty or fifty guns were fired off all around and about me.

I am sure nothing but my coolness and apparent firmness saved me; and the feeling lecture I gave them, and the certainty of being punished for such conduct, caused the interview to end as favorably as it did.

The traders in this district had all proceeded with their outfits for ade to the different points usually occupied by them, previous to re-ɔiving an account of the Laramie affair, and before my return to this ɔint, otherwise I should not have permitted them to leave their forts. would recall them, but this cannot be done without an armed force to rotect them; for, should the Indians be apprised, they would, without ɔubt, seize upon everything they have.

In the hope that the foregoing statement of facts will cause the im-ıediate action of the government,

' I have the honor to be, sir, your obedient servant,

ALFRED J. VAUGHAN,
Indian Agent.

Col. ALFRED CUMMINS,
Sup. Ind. Affairs, St. Louis, Missouri.

Extract of a letter submitted to the Department (January 15) by the Hon. D. R. Atchison, United States Senate, from Major Dougherty, of St. Louis, "An old Indian agent, who knows much of the Indians on the Upper Missouri and Platte, and has travelled over every portion of the country on the Upper Missouri:"

" I will ask your permission to drop you one or two suggestions rela-ve to our Sioux difficulties. It is highly important that a decisive low should be given them at the very onset. This would have the ffect to deter all other neighboring tribes from joining in with the Sioux gainst us. You ought to exercise your influence with the Secretary f War and convince him of the great importance of establishing a ɔrt early in the spring, garrisoned by mounted troops and one com-ıany of infantry, on the Missouri river, opposite Fort Laramie. These wo forts would not be more than two or three hundred miles apart. ıll quartermaster and commissary stores could be transported by vater to the Missouri post, and all necessaries for Fort Laramie could e hauled across the country. All trade between our fur traders and he Indians should be stopped without delay. In this way, with a ood mounted force, we could keep the Sioux travelling back and for-vard with their families from the Missouri river to the Big Platte, and arrass them to such a degree that the other Indian tribes would ɔounce down upon them and relieve us from any further trouble with ıem. A prompt and decisive blow on the Sioux in effect would be vorth to us, for years to come, millions of dollars and many strong rmies.

* * * * * * * *

" JOHN DOUGHERTY."

33D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 23.

REPORT

OF

THE SECRETARY OF WAR,

IN COMPLIANCE WITH

A resolution of the Senate of December 11, 1854, *calling for information respecting the deepening of the communication between Lakes Huron and Superior.*

JANUARY 19, 1855.—Ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington, January 18, 1855.

SIR: In compliance with the resolution of the Senate of the 11th ultimo, "that the Secretary of War be instructed to report to the Senate the information required to be obtained respecting the deepening of the communication between Lakes Huron and Superior, by a proviso in the act of March three, eighteen hundred and fifty-three, making appropriations for the civil and diplomatic expenses of government for the year ending the thirtieth of June, eighteen hundred and fifty-four," I have the honor to submit herewith a report of the colonel of Topographical Engineers, containing the information required, and stating the reasons why the department was unable to furnish it at the last session of Congress, as directed by the act referred to.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. J. D. BRIGHT,
President pro tem. of the Senate.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, January 18, 1855.

SIR: In compliance with a resolution of Senate of December 11, I have the honor to submit the following report:

This survey was made in conformity with a direction in the law of March, 1853, which directed "a survey of so much of the communication between Lake Huron and the Sault St. Mary as may be necessary to ascertain what parts thereof require to be deepened, shall be made without delay, and plans and estimates of the nature and expense of the work *shall be laid before* Congress at its next session."

A report of the results obtained, and of the work done, under this law, were communicated to Congress, with the President's message of that year, as appendix A of the annual report from this office;* but, as the elements collected were not considered adequate to form a regular plan and estimate of the whole improvement, none was, therefore, offered. Captain Macomb being at this place during the winter of 1853–'54, (attending to the adjustment of his accounts,) on being referred to on the subject of this survey, replied, that investigations had not yet been sufficiently extensive to justify a regular plan and estimate of the whole.

But as these surveys were not considered sufficiently perfect to present adequate plan and estimate for the improvement, as contemplated in that act, further investigations, particularly in relation to the flats of Lake St. George, were considered requisite; and, accordingly, in the summer of 1854, the survey was renewed, of which the results are now communicated. These results were not received until within a few days, and it has taken until now to prepare and copy them in order to meet the resolution of the Senate.

Respectfully, sir, your obedient servant,

J. J. ABERT,
Col. Corps Topographical Engineers.

Hon. JEFFERSON DAVIS,
Secretary of War.

DETROIT, MICHIGAN,
December 29, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, calling upon me for a report (in accordance with a resolution of the Senate) upon the nature and expense of the work required for deepening the St. Mary's river, and in reply thereto I would respectfully state that the survey of the communication between Lake Huron and the Sault Ste. Marie, as recently made by Captain E. P. Scammon, topographical engineers, exhibits two routes between the Détour passage (Lake Huron) and the Sault. Of these two routes but one is practicable for large vessels or steamers constituting the lines between the Sault Ste. Marie and the lower lakes. This route is the one through Lake George, passing to the east and north of Sugar island. By it the distance from Détour light-house to the Sault is sixty miles; in the course of which the following obstructions are met with: First, at East Neebish rapids, the nature of which is shown in the chart published last summer by the topographical bureau, with sailing directions for avoiding the obstacle. Secondly, at the flats of Lake George, through which there are two channels leaving merely a sufficient depth of water to allow the lake steamers to pass in, dragging their keels through the sand and rubbing with difficulty along the bottom, and this, too, when they are but partly laden. Having passed these obstructions there is an ample depth of water to be found in the other parts of the

*Additional information on these subjects was submitted to Congress with the annual report of November, 1854, but this report is not yet printed.

route, but the intricacy of the channel is such as to render the charts which our survey will afford quite indispensable.

The other route diverges from the one above described at the foot of Sugar island, which it passes on the south and west sides, through the middle of Neebish rapids and Hay lake, making the distance from Détour light-house to the Sault forty-nine miles, being eleven miles shorter than that by the Lake George route.

This route has been much frequented by the small steam-tugs in the service of the Sault canal company, but it is quite impracticable in its present state for any of the lake steamers of the dimensions required for the trade between Lake Superior and the country below. The first obstacle in the Hay lake route is met with immediately after diverging from the other route, and is the shoal reach of the Middle Neebish, where, for a distance of a mile and three-quarters, the channel is shallow, and the bottom, which is rocky, has numerous large boulders lying upon it. On entering Hay lake a sufficient depth of water is found until reaching the rapids at its head, where the communication with the main body of the St. Mary's consists of several narrow and crooked channels, having very rapid currents and rocky borders.

The following are the estimates for the deepening of these different routes to a depth of twelve feet, with a width of channel of one hundred yards, these being the *minimum* dimensions estimated for in the improvement proposed for the St. Clair flats, and the depth being that afforded by the canal connecting this navigation with that on Lake Superior.

By the Lake George route.

A small improvement is necessary at the East Neebish rapids for removing some rocks and widening the channel, which will require two scows, at $1,000 each	$2,000 00	
Derricks, clamps, hooks, cordage, &c.	1,000 00	
Twenty men, at $1 a day, 90 days	1,800 00	
One foreman, at $3 a day, 90 days	180 00	
Subsistence, transportation, &c	1,500 00	
For seven guide signals, to be built upon the shores as permanent marks for steering by, at $300 each	2,100 00	
Contingencies	860 00	
Total required at the East Neebish rapids		$9,440 00
The amount of dredging required in Lake George to give a clear channel of one hundred yards wide and twelve feet deep through the flats will depend upon the selection that may be made of the channel to be improved. The one upon the west side of the lake has a length of about four miles through the shoal ground, and requires to be deepened at several points amounting, in all, to 350,000 cubic yards of dredging, at 25 cents a cubic *yard*		$7,500 00

To do this work there should be at least two dredging machines, which, delivered in working order at the place to be improved, would cost $15,000 each.....	$30,000 00
Three scows for each machine, for carrying off the earth dredged, $1,000 each.....	6,000 00
For thirty-three channel marks, at $25 each.....	825 00
A pile-driver for setting permanent marks.....	2,000 00
Charter of a small steamer for towing, and for communicating with the depot for the work, 150 days, at $75 a day.....	11,250 00
Contingencies 10 per cent. on $137,575.....	13,737 00
Total for improving the St. Mary's by the west channel through Lake George.....	160,772 00
The channel now frequented on the eastern side of Lake George is more direct, having a length of but two miles through the shoal ground of the lake, (half the length of the west channel;) it is, however, very narrow, and also requires dredging at several points, the amount required being 200,000 cubic yards, at 25 cts.	$50,000 00
One dredging machine.....	15,000 00
Three scows, at $1,000.....	3,000 00
One pile-driver.....	2,000 00
Eighteen channel marks, at $25.....	450 00
Charter of a small steamer for towing, &c., 150 days, at $75	11,250 00
Ten per cent. for contingencies.....	8,170 00
Amount as above for East Neebish rapids.....	9,440 00
Total for improving the St. Mary's by the east channel through Lake George.....	99,310 00

For the improvement of the Hay lake route, so as to afford channels of the same dimensions in the cross section as those above estimated for, there will be required at the Middle Neebish the removal of 172,500 cubic yards, and at the Sugar Island, or Little Rapids, at the head of Hay lake, 123,500 cubic yards, making, in all, the amount of 296,000 cubic yards of *rocky bottom* to be removed for the improvement of the Hay lake route, which, at $2 50 a cubic yard, should be $740,000.

Even if this improvement were made, the width of the channel would scarcely allow sufficient room for the safe management of large boats in so strong a current as that at the Little Rapids, particularly if two boats should meet at the narrow passage.

The route by the West Neebish is no shorter than that by the Middle Neebish, as it is necessary to make quite a circuit to avoid a shoal point putting out from the north shore of Mud lake. The West Neebish is a mere *batteau* channel, in which but two feet of water can be carried through at present. It has a rocky bed, and is very shoal for upwards of a mile.

The west channel in Lake George seems to be the most feasible for improving, as it has a greater width than the one on the east side of that lake, and the nature of the bottom is said to be more favorable to the permanency of the improvement. If it should be adopted it would be advisable to have it permanently staked out as soon as possible and dredged through at once to a depth of nine-and-a-half or ten feet, so as to make it available at the earliest possible day; for if the water should continue to fall as it has done for the last two years, (as there is every reason to suppose it will,) it would in a short time be found impossible to take steamers or vessels through without lightening them, by the only route now used as the great commercial and naval communication with Lake Superior; the remainder of the deepening might be postponed until the following season.

I send with this report the following named maps and sketches:

1. A sketch, on a small scale, of the St. Mary's river, to show the relative positions of the routes and points herein referred to.
2. A map in detail of Lake George, on a scale of four inches to a mile.
3. A sketch of Sugar Island Rapids, on a scale of four inches to a mile.
4. A map of Middle Neebish, on a scale of eight inches to a mile.

I should have preferred presenting these detail maps on a uniform scale to correspond with that of the Middle Neebish, but I have not had time to get them drawn in that form. They contain all the information that I am enabled to transmit to you on this subject, in the present state of the work left in my hands by Captain Scammon.

All of which is respectfully submitted by your most obedient servant,

J. N. MACOMB,
Captain Topographical Engineers.

Col. J. J. ABERT,
Com. Corps Top. Eng., Washington, D. C.

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 24.

REPORT

OF THE

SECRETARY OF WAR,

IN COMPLIANCE WITH

A resolution of the Senate of the 15th instant, calling for information relative to fortifying the entrance to the harbor of San Francisco.

JANUARY 19, 1855.—Referred to the Committee on Military Affairs, and ordered to be printed.

WAR DEPARTMENT,
Washington, January 18, 1855.

SIR: In compliance with the resolution of the Senate of the 15th instant, "that the Secretary of War be directed to inform the Senate what progress has been made in fortifying the entrance to the harbor of San Francisco, California, and the present condition of said work," I have the honor to submit herewith a report of the chief engineer giving the information called for therein.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. J. D. BRIGHT,
President pro. tem. of the Senate.

ENGINEER DEPARTMENT,
Washington, January 18, 1855.

SIR: In reply to the resolution of the Senate of the 15th instant, "that the Secretary of War be directed to inform the Senate what progress has been made in fortifying the entrance to the harbor of San Francisco, California, and the present condition of said work," referred to this office for report, I have the honor to state that the works for the defence of San Francisco have been commenced and are in progress on Alcatrazas island, opposite the city, and at Fort Point, the southern promontory of the entrance to the bay.

At Alcatrazas island the necessary wharves, roads, and temporary buildings have been constructed; the excavations for two batteries and their caponniers are completed; the scarp wall of the left branch of the *south battery and the walls of* the caponniers are finished; prepa-

rations for arching the caponniers are making; the wall of the right branch of the battery is in progress; and the wall of the north battery is begun. Work on this last battery has been suspended in consequence of the small appropriation of last year. The officer in charge earnestly recommends that $400,000 be appropriated "to finish the defensive works upon Alcatrazas," and has expressed his confidence that this can be done in a year from the granting of the appropriation.

The amounts heretofore appropriated are, March 3, 1853...	$166,666
(Being one-third of $500,000 appropriated that date for defence of San Francisco,) and granted August 3, 1854....	100,000
Total.....	266,666
Required to complete the defences of Alcatrazas island in one year.....	$400,000

The amount now remaining available of the appropriations for defences on Alcatrazas island is $30,000.

At Fort Point the requisite temporary buildings, wharf, and road have been constructed, and 150,000 cubic yards of rock have been excavated from the site of the proposed fort. Stone has been received, and is preparing to be laid. The masonry of the fort is expected to be begun this month.

The officer in charge, in his annual report, states his belief "that the work may be finished in another fiscal year without difficulty," and urges the appropriation of $650,000 as a sum estimated by him to be adequate for the purpose.

The amounts heretofore appropriated are two-thirds of grant of March 3, 1853.....	$333,333
And by act of August 3, 1854.....	100,000
Total.....	433,333

The amount now remaining available of these appropriations for the fort at Fort Point is $55,000.

The progress of the defences at both places has been much impeded by the smallness of the grants of last year.

I am, sir, very respectfully, your obedient servant,

JOSEPH G. TOTTEN,
Brevet Brig. Gen. and Col. of Engineers.

Hon. JEFFERSON DAVIS,
Secretary of War.

CONGRESS, } SENATE. { Ex. Doc.,
Session. } { No. 25.

MESSAGE

OF THE

ESIDENT OF THE UNITED STATES,

IN FURTHER COMPLIANCE WITH

solution of the Senate of December 5, 1854, requesting copies of correspondence between Major General Wool and the different departments of e government.

JANUARY 19, 1855.—Ordered to lie on the table and be printed.

he Senate of the United States:

i further compliance with the resolution of the Senate of the 5th of ember last, requesting copies of correspondence between Major eral Wool and the different departments of the government, I transa report from the Secretary of State, and the documents by which as accompanied.

FRANKLIN PIERCE.

/ASHINGTON, *January* 17, 1855.

DEPARTMENT OF STATE,
Washington, January 17, 1855.

he Secretary of State, to whom was referred the resolution of the ate of the 5th of December last, requesting "the President (if not mpatible with the public interest) to communicate to the Senate es of all instructions and correspondence between the different dements of the government and Major General Wool, commanding Pacific division of the army, in regard to his operations on that t," has the honor to lay before the President the letters from that er, a list of which is subjoined.

Respectfully submitted,
W. L. MARCY.

o the PRESIDENT OF THE UNITED STATES.

List of papers.

eneral Wool to Mr. Marcy, August 14, 1854.
he same to the same, August 31, 1854.
he *same to the same*, September 27, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 27, 1854.

SIR: I have the honor to forward herewith copies of a correspondence with the Hon. James Gadsden, our minister in Mexico, touching rumors of expeditions said to be fitting out in this State to aid Count Raousset de Boulbon in Sonora.

I have the honor to be, sir, very respectfully,
Your obedient servant,
JOHN E. WOOL,
Major General.

Hon. W. L. MARCY,
Secretary of State.

LEGATION OF THE UNITED STATES,
Mexico, August 2, 1854.

DEAR SIR: It appears from recent intelligence from Guayamas, that Count de Raousset has succeeded in placing himself at the head of the French recruits, whose embarkation from San Francisco you essayed without success to arrest, and threatens an emeute in Sonora, which has given much alarm to the high functionaries of this central power.

The minister of relations informs me, that he has advices of expeditions preparing at San Francisco to embark in aid and in co-operation of the designs of the French fillibusters, whose beginnings seem to be of higher promise than those under the lead of an unsuccessful predecessor. I place at your disposal, and as a stimulus to your vigilance, the information conveyed by the minister, that you may act in the premises as your instructions direct. The conduct of both the French and Mexican consuls merit the severest reproof from their respective governments, and Mexico can have no just cause of complaint against the United States while she permits an accredited subordinate officer to connive at, if not to encourage, illegal enterprises from an American port, reserving at the same time the right of remonstrance.

These proceedings, however inexplicable, cannot deter you, however, from fulfilling the obligations which our government recognizes as binding in all the relations with other powers, illustrating in practice what our political institutions inculcate.

If the French and Mexican consuls at San Francisco are not dismissed, I have suggested to the State Department the obligation of the government of the United States withdrawing their exequators without delay.

Yours truly and respectfully,
JAMES GADSDEN.

Major General WOOL, *San Francisco.*

A true copy:

EDWARD TOWNSEND,
Assistant Adjutant General,

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, September 27, 1854.

BENICIA, CALIFORNIA, *September* 25, 1854.

AR SIR: By the last steamer from Panama, the 20th instant, ived your communication, via New Orleans, dated the 2d instant, ıg to advices to the Mexican minister of foreign relations that pedition is preparing at San Francisco, to embark in aid and co- tion of the designs of the French fillibusters, commanded by t de Raousset, near Guayamas.

reply, I would remark that soon after I arrived at San Francisco called on to put in execution the following instructions from the tary of War, and from the President of the United States.

"WAR DEPARTMENT,
"*Washington, January* 12, 1854.

IR: In addition to the ordinary duties of the military command ıich you have been assigned, it is deemed proper to direct your ion to certain special duties which will devolve upon you.

.mong these will be the duty of maintaining our international ıtions, by preventing unlawful expeditions against the territories eign powers. Confidence is felt that you will, to the utmost of ability, use all proper means to detect the fitting out of armed litions against countries with which the United States are at peace, ill zealously co-operate with the civil authorities in maintaining the ılity laws."

e President in his proclamation of January 18, 1854, having re- :e to all who might violate our neutrality obligations with Mexico, ıpon all officers of this government, civil and military, to use any ; which may be in their power to arrest for trial and punishment such offender.

der the positive and unequivocal instructions of the Secretary of and President's proclamation, I was the cause of the arrest, trial :onviction of Colonel Watkins and the Mexican consul, and the of the French consul, who was not convicted. The jury stood r conviction and two for acquittal. Had he been tried a second he would unquestionably have been convicted, (see my letter to ripps, in your absence, dated July 27, 1854.)

er these arrests, trials and convictions, I received from the tary of War the following interpretation of his instructions.

"WAR DEPARTMENT,
"*Washington, April* 14, 1854.

IR:

* * * * * * * * * * *

our remarks in relation to unlawful expeditions sailing from the of California, suggests the propriety of referring you to your in- ions upon this subject. It was not expected or desired that the ry commander should do more than belongs to the ordinary re- ; of the civil and military power; and in instructing you to aid vil authorities, it was not intended that you should originate ; and prosecutions for civil misdemeanors. You will readily per- that consequences *injurious to the* public service, would probably

follow from such interference by the military with the functions of the civil officers."

By all which you will perceive I have been restricted in my powers, and required to wait the call of the civil officers to aid them in the execution of the neutral obligations of the country. Since the receipt of his interpretation I have waited the call of the civil officers, but no call has yet been made.

Several expeditions have been talked of: one to aid Count de Raousset, which has been checked by his recent defeat and imprisonment at Guayamas; another is contemplated to the Sandwich islands, to revolutionize the government and establish an independent republic. An agent, as I am informed, has gone to Honolulu to ascertain whether such a movement would be successful. On his return, if he should report favorably, an expedition no doubt would be immediately fitted out for the Sandwich islands. Whether or not the civil authorities have adopted any measures to defeat such a scheme I am not informed. Having been ordered to make my headquarters at Benicia, I am beyond the reach of news, or the means of ascertaining what is going on in San Francisco. Dillon, the French consul, and some of the fillibustering community assert that my removal to Benicia is condemnatory of my course towards them.

I have the honor to be, with considerations of the highest respect, truly yours,

JOHN E. WOOL,
Major General.

His Excellency JAMES GADSDEN,
Minister Extraordinary and Plenipotentiary to the Government of Mexico.

SAN FRANCISCO, CALIFORNIA,
August 14, 1854.

SIR: At my request, the district attorney, Mr. S. W. Inge, has furnished me with an extract of your letter to him of the 13th of June, 1854, as follows:

"The department has learned, unofficially, that the last detachment of the invading party has surrendered to the officers of the United States, and it entertains no doubt that the vigilance of the authorities, civil as well as military, will continue to be exercised in the determination to detect and suppress every illegal expedition that may attempt organization on the shores of California.

* * * * * * *

"W. L. MARCY."

As I have been a prominent actor in ferreting out the schemes of those who have been engaged in violating the neutrality laws, I have deemed it proper, lest my conduct may not have been correctly understood at Washington, to present you with a statement of my whole proceedings, since my arrival in San Francisco, relating to unlawful expeditions attempted to be fitted out at this port.

Carrying with me, as I supposed, the confidence of the Secretary of ar, as well as of the President of the United States, I left the Atlantic ıtes for the Pacific department with the following instructions: 1st. ıe proclamation of the President, dated the 18th of January, 1854, which I find, having reference to all who might violate the neutrality vs, the following positive orders: "I call upon all officers of this vernment, civil and military, to use any efforts which may be in their wer to arrest for trial and punishment every such offender." 2d. In : instructions of the Secretary of War, dated the 12th of January, 54, he says: "In addition to the ordinary duties of the military com- ınd to which you have been assigned, it is deemed proper to direct ur attention to certain special duties which will devolve upon you. "Among these will be the duty of maintaining our international ob- ations, by preventing unlawful expeditions against the territories of eign powers. Confidence is felt that you will, to the utmost of your ility, use all proper means to detect the fitting out of armed expe- ions against countries with which the United States are at peace, d will zealousy co-operate with the civil authorities in maintaining : neutrality laws."

How well I have performed the duties required by the foregoing in- uctions the following statement of facts will show. They are pre- ıted to you because I have heard that the French consul, Dillon, has ıde representations to the French minister at Washington not in ac- :dance with truth, at the same time impugning my conduct, and de- ınding reparation for insults offered to him, as well as the govern- :nt of France.

Soon after my arrival I learned that Watkins who conducted to alker, in Lower California, the party of two hundred and forty men ıich he publicly enrolled in the streets of San Francisco, without in- ference or molestation, had returned. Everybody knew that he was the city, and that he came to raise men to reinforce Walker. It was der such circumstances that I called on Mr. Inge, district attorney the northern district of California, informed him of the object of atkins, and suggested his arrest. He replied he would do so as ɔn as I would make an application to that effect in writing, which I ɔmptly complied with. He was arrested, tried, and convicted.

A day or two after Watkins was arrested, I was informed that Count Raousset Boulbon had been acting in concert with Watkins. I ain called on Mr. Inge, presented the facts, and requested his arrest. Inge replied, that he would have him arrested as soon as the facts ıld be presented in the shape of an affidavit, which I could not do thout betraying those who were unwilling to be known in the matter. Supposing that the Mexican consul was well informed of the in- ıtions and movements of the count, I called on him for information, ıen he informed me that, perhaps the day before, the French Con- , Dillon, told him that the count had pledged to him his honor, that would engage in no more fillibustering expeditions, and that he had ne to Santa Barbara to reside, at least for the present. To ascertain ıuch was the fact, I called on Mr. Dillon, who confirmed all that the :xican consul had stated in relation to the count.

A *few days after, learning* that the Mexican consul was engaging

men for Guayamas, I sent, on the 12th of March, two members of my staff, who could converse in Spanish, to inquire the object. The next morning the Mexican consul called on me and informed me that he had received instructions from President Santa Anna to procure a thousand foreigners, and to include in the number as many Frenchmen of Count de Raousset's party as he could detach from the count, to settle in Sonora, and to do fealty to the Mexican government, for which lands would be given them. I inquired if he was aware of the character of the men he was about to engage. He replied, that he thought they were good men, and could be relied on, as most of them would come recommended with passports from the French consul, to whom he had written on the subject, and that he had chartered the ship Challenge to convey them to Guayamas. I informed him that I thought he had been deceived, and that the party would become a fillibustering one as soon as it landed in Sonora, and I had no doubt would be commanded by Count de Raousset Boulbon. A contract for carrying the men to Guayamas had been entered into with Messrs. Chauviteau & Cavailler, who, as they afterwards informed me, were at a subsequent period to have a contract for taking down two thousand more. Being satisfied of the truth of what I said, the consul set about breaking the contract with Messrs. Chauviteau & Cavailler, and, in a formal written request, on the 15th of March, desired that the clearance of the Challenge—the vessel designated for the transportation of the men—should be withheld. Messrs. Chauviteau & Cavailler, apprehensive of detention, on the 17th of March, in company with the Mexican consul, the French consul, and Mr. Argenti, called on me to induce me to withdraw my opposition to the ship sailing. I informed them, at this interview, that I did not object to her sailing; all I desired was that, when she did sail, she would do so according to law—if she did otherwise she would be brought back. I stated that, if I was correctly informed, all, the French consul as well as the Mexican consul, were engaged in fitting out an expedition that would become, as soon as landed in Sonora, a fillibustering one, and would be commanded by Count de Raousset Boulbon. In reply, the French consul disclaimed any such intention, and declared that he knew nothing of the expedition except that he had been requested by the Mexican consul to give passports to his countrymen. This he had done, without advice to them whether they should go or stay. This averment is reiterated in his letter to me of the date of the 20th of March. Notwithstanding these declarations of indifference, the French consul became unceasing in his exertions to induce me to permit the expedition, of which he had previously declared he knew nothing, and apparently cared less, to sail without obstruction. At his last interview with me, about the 25th of March, in order to induce me to withdraw my opposition to the sailing of the Challenge, he unequivocally declared that the character of the expedition was entirely changed; that the men about to depart in the Challenge were simply passengers going as colonists to settle in Sonora, and without reference to the performance of any military duty whatever. On the contrary, he said they were poor, and out of employment, and living mostly at his and the expense of other Frenchmen. The object was simply a humane one, and to get rid of them would confer no less on

him and others of his countrymen than on the city of San Francisco; to the truth of all which he pledged his own honor, and the honor of France. Upon these declarations, and after an examination of the ship by Major McKinstry, Captain Merryman, of the revenue cutter, and Lieutenant Moore, my aide-de-camp, to ascertain the character of the men, and whether there were any arms on board, and finding from their report that there appeared no indications of illegal intent, and confiding in the reiterated and solemn assurances of the French consul, I consented to withhold my past opposition to the sailing of the Challenge. The ship was permitted to sail by the collector, but was brought back in consequence of a violation of the passenger act. On giving bonds and reducing the number of passengers she was again permitted to sail, but without my knowledge. On the ship being brought back, the French consul demanded of me to know why I had detained her. I simply referred him to the collector of the port, who could give him the information he sought.

On the day of sailing, notwithstanding his pledged honor and the honor of France that the expedition was in no respect whatever a military one, that the men were simply passengers going to Sonora to take employment by which they could obtain a livelihood, he wrote to the French consul at Guayamas, as follows:

SAN FRANCISCO, *March* 27, 1854.

"SIR CONSUL: Conformably to the instructions of the French legation in Mexico, a copy of which you will find in the French papers, here enclosed, I have done everything to secure the dispersion of the body which the Count de Raousset Boulbon was organizing in California for the purpose of supporting confederates in the interior of Mexico, in pronunciamentos against the supreme government. My efforts have been crowned with complete success. The French have all abandoned M. de Raousset, who, at last convinced of his want of power, has given to me his word of honor that he will in future remain tranquil.

"For the purpose of hastening this result, the Mexican government has authorized its consul at San Francisco, M. del Vallé, to offer to all Frenchmen who should detach themselves from M. de Raousset a free passage to Guayamas, with the same rank in the Mexican that they had in the French army. These, to the number of about four hundred and fifty, have accepted the propositions by taking passage on board the English ship Challenge, a vessel freighted by M. del Vallé."

* * * * *

This letter is a perfect contradiction of his assertions, as above given, and to all his declarations to me in person, in connexion with the sailing of the ship Challenge. From his letter to the consul at Guayamas it is made evident that if he was not the sole mover of the expedition, he knew all about it, and yet, at our first interview, he declared he knew nothing about it, except that the Mexican consul had requested him to give passports to such Frenchmen as he was willing should go to Guayamas, which he complied with, but gave no advice whether they had better go or stay. This was reiterated in his letter to me of the 20th of March. Although, from the information I received, I could not doubt that *he not only knew* all about it, but that in connexion with

Count de Raousset, who, instead of going to Santa Barbara, was in daily intercourse with him and the captain of the ship Challenge, was the prime mover. They intended to introduce into Sonora three thousand Frenchmen, whom Dillon, the French consul, declared but the day—at most two—before he wrote his letter, dated the 27th of March, 1854, to the French consul at Guayamas, they were all red republicans and revolutionists, and would never fight for Santa Anna. These men were to go under the authority of the Mexican government, by which Dillon expected to evade the neutrality laws of the country, and they were to be commanded by Count de Raousset, who either intended it as a revolutionary party, or to take possession of the country in the name of the French government.

Notwithstanding I was perfectly satisfied of the truth of the foregoing, yet, when he solemnly and repeatedly declared, upon his honor, and the honor of France, that the expedition was not in any respect a military one, but simply an effort on his part to aid his countrymen to provide for themselves, and to relieve himself and others of heavy expenses, I thought it was possible that I might have been deceived in my information, and consequently withdrew my opposition to the sailing of the expedition. His deception succeeded, and I was not undeceived until he published his letter to the French consul at Guayamas.

The failure of Walker to be relieved by the count, a relief which he has told me he expected, was the result of my measures of surveillance and opposition above indicated; they brought about his utter discomfiture, and he was compelled to surrender himself and party to the officers of the army at San Diego.

To recapitulate—the result of all has been the arrest, trial, and conviction, of Watkins, Emory, and the Mexican consul; the arrest and trial of the French consul, who barely escaped conviction—the jury stood ten for conviction and two for acquittal. Had he been tried a second time he would most unquestionably have been convicted; the surrender of Walker and his party, whom I turned over to the civil authorities for trial. Walker and Jarnagin were indicted, but not tried.

For the facts in the case of the Mexican consul, I refer you to the copy of the memorandum to Mr. Inge, herewith enclosed. They are strictly correct.

In conclusion, I add an extract from the opening speech of Mr. Inge in the case of the Mexican consul, relating to myself:

"In order that this law" (the neutrality law) "might be strictly enforced, an eminent officer of the army was selected to take command of this division, with special instructions to inquire into and expose all and every violation of this law, and to bring them to the notice—the official notice—of the civil officers of the government. We are all apprised of the extraordinary diligence of this distinguished veteran since he assumed the command. We all know the remarkable success which has been the result of his efforts. We know that he has exposed plots and brought to light machinations, the tendency and objects of which was the contravention of law, and which were unknown to the *people* till his presence among us. I acknowledge that I am indebted *to him* for the valuable information that I have offered on this prosecu-

tion. The American people are indebted to him; and the government will acknowledge—gratefully acknowledge—the eminent services he has rendered to his country."

The Secretary of War has ordered me to transfer my headquarters to Benicia. This order is looked upon by Dillon, the French consul, Walker, and others of the fillibustering community, as condemnatory of the course I have pursued towards them. I have no doubt that in a very short time after I go to Benicia another expedition will be fitted out for Sonora, which it is said abounds in the precious metals. My presence here alone restrains them. Count de Raousset left, ten days after the sailing of the Challenge, for Sonora.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
United States Army.

Hon W. L. MARCY,
Secretary of State.

Memorandum furnished District Attorney S. W. Inge for the trial of Luis del Vallé, April 15, 1854.

A few days after I called on the Mexican consul and the consul of France, both of whom informed me that Count de Raousset Boulbon had left the city, determined never again to engage in any fillibustering expedition, and had gone to Santa Barbara, I learned that the former was engaging foreigners to go as emigrants to Sonora. I sent my aide-de-camp, Lieutenant Moore, and Dr. John F. Hammond to call on the Mexican consul and inquire the object in raising and sending foreigners to Sonora. The next morning the Mexican consul called on me, when he informed me that he had instructions from President Santa Anna to procure a thousand men, and to include in the number as many Frenchmen of Count Raousset de Boulbon's party as he could detach from the count, to settle in Sonora, and do fealty to the government, for which lands would be given them. I asked him if he was aware of the character of the men he was about to engage? He replied that he thought they could be relied on, as they would come recommended by the passports of the French consul, to whom he had written on the subject; and that he had chartered the ship Challenge to convey them to Guayamas. I informed him that I thought he had been deceived, and that the party would become a fillibustering one as soon as it landed in Sonora, and would be commanded by Count de Raousset Boulbon, who, as I believed, would relieve Walker from his perilous condition. At any rate, it was an ill-timed expedition, and whether intended for good or evil purposes, would give me a vast deal of trouble. If it was permitted to depart, as it was generally supposed to be a fillibustering party, it would encourage others, similarly inclined, to follow; and instead of checking fillibustering against Mexico, it could not fail to promote it. Señor del Vallé expressed himself satisfied of the truth of what I said, and promised co-operation with me in breaking up the project. I afterwards sent my aide-de-camp, Lieutenant J. A. Hardie, to Mr. del Vallé to convey to him a reiteration of my views, and to *ascertain what steps* he had taken. That officer had several

interviews with him, by my direction, to the same purpose. Mr. del Vallé, on the earlier of these occasions, expressed himself convinced that I was entirely correct in my conclusions; manifested much anxiety apparently that the scheme should be defeated; declared himself under obligations to me for the course I had taken, and seemed at much pains to develope further information. He even showed to Lieutenant Hardie a rifle of the "Chasseur de Vincennes" pattern, which he said he had been fortunate enough to procure, and which was one of many which these Frenchmen on the Challenge intended to arm themselves with. He promised information from various sources, none of which did he realize. Latterly, in these interviews, he, although professing suspicions still, declined to take any direct steps to break the contract with the ship Challenge, but seemed desirous of throwing all responsibility on myself.

The various parties interested in the expedition called on me to induce me to withdraw my opposition, when I frankly stated to each and all of them, including the French and Mexican consuls, my suspicions that the emigrants would be transformed into "fillibusters" as soon as they landed upon Mexican soil, and would, as I believed, be commanded by Count Raousset de Boulbon. The French consul, Mr. Dillon, wrote me shortly after a letter disclaiming any participation with Boulbon or with any persons engaged in fillibustering operations; to which I replied, detailing the grounds of my suspicions that he was interested in the matter. His granting passports to Frenchmen to engage in the expedition, his associationship with Boulbon, Boulbon's remaining here after promising to go to Santa Barbara, and the fact of his intending to accompany the expedition as reported to me, were circumstances which I consider to have justified my suspicions. That Walker expected relief from these Frenchmen, is amply shown in the facts that the Challenge was to have been commanded by a Captain Peters, the same who was to have commanded the Republic, avowedly engaged to transport the party under Watkins; that Peters was not to have gone with the ship further than Guayamas, it being in contemplation to have another captain (Mévil) to take her from there on her voyage; and that such was the general understanding among Walker's party, as shown by the affidavit of Mr. Horn and Ryan, one of Walker's men, although Cordova, a Spaniard in Walker's interest, was endeavoring to impress upon the Lower Californians the belief that these Frenchmen were to aid them in expelling Walker from the country.

Information had reached me of the preparation of quantities of arms and ammunition for the use of the party on the Challenge, which were concealed on shore until a proper opportunity might occur of getting them safely on board unobserved; of the frequent communications of Boulbon with the captain of the vessel, and of the summary dismissal of Mévil under suspicion of betraying secrets; all these circumstances, together with the general cloud of suspicion resting upon the transaction, served to confirm my convictions that the scheme was one of fillibustering or illegality, and must be suppressed.

In compliance with my request to the collector, the clearance was *withheld* from the Challenge for a few days that more information *could* be obtained upon the subject. I wrote to the Mexican consul,

desiring him to inform me what further information he had received concerning the passengers on the Challenge, and he replied, expressing his conviction of the existence of "terrible plots" against his country. Yet, when invited to call upon me, as he was subsequently, and exhibit the instructions of his government, he evaded compliance, and though he has shown them to the parties contracting to transport the Frenchmen to Guayamas, he has studiously avoided showing them to me. In this letter, thus evading this subject to me, he speaks of a charter of passage for some "emigrants," which does not tally with his letter to Mr. Dillon in connexion with the matter, nor Mr. Cavailler's affidavit as to the tenor of the instructions, to whom they had been read, from which it would appear that these emigrants are to be regularly enlisted as soldiers.

Finding that this so-called emigrant project, if not intended to be turned into a fillibustering expedition, was at least a probable attempt to evade the laws against enlisting soldiers for a foreign power within our Territories, and foreseeing that whether the party did actually relieve Walker or not, it would give an impulse to our own fillibustering expedition unless it could be detained till information was received that Walker's party was effectually broken up, I threw obstacles in the way of the ship's sailing, and having procured the co-operation of the United States steamers "Active" and "Columbus," I desired their commanders to take, under the collector's instructions, positions near the Challenge, to aid the cutter in preventing violations of the revenue laws as to number and character of passengers and freight taken on board of her. The delay thus produced was occupied in frequent communications with the French and Mexican consuls, and in endeavoring to unmask their real designs.

Certain transactions of Señor del Vallé connected with this matter have come to my knowledge, which have caused much excitement against him among the French population.

The following "proposition," by which he was to put in his own pocket about $12,000, was furnished me by Mr. Chauviteau, one of the persons with whom he contracted to transport the "emigrants." "That Mr. Chauviteau receive $35 for each passenger, that Señor del Vallé receive $3 each cash in this city when the passengers sail, and $4 each payable in this city at the order of the bearer, or wherever may be designated, on the day that notice may be received of the acceptance of the draft by the Mexican government," making $42 each passenger, to be paid by the Mexican government to the contractors, of which Señor del Vallé should receive from them $7. In addition to this there was "an obligation on the part of Mr. Chauviteau to buy (of Señor del Vallé) in the state in which it may be found, 1,000 quintals of Peruvian rice, at 4½ cents per pound (the market price being three cents) on the 14th March, and the other half on the 14th of June." I understand that it was found that the rice would not be needed, but that $1,500 was paid Señor del Vallé to fulfil the agreement.

Upon invitation of parties concerned in the Challenge, I sent two officers to examine her, and finding upon their report that there was no *appearance of unfair* dealing, I made no opposition to her sailing,

which (having obtained a clearance) she did on the 29th instant. She was, however, boarded by a revenue officer in the bay, and ordered back for a violation of the revenue laws. Upon her owner's giving bonds, however, she was afterwards permitted to proceed. The French consul, upon the occasion of her detention under the revenue laws, as mentioned, addressed me a letter of inquiry as to the cause of the detention and my connexion with it; to which I replied, that if specially interested in the expedition he should have made his inquiry of the collector of the port.

Impressed with the guilt of the Mexican consul in the premises, and of his determination, unless thwarted, to pursue his nefarious schemes, I saw the necessity of his arrest for a violation of our laws on the subject of enlisting men for foreign service, and I accordingly requested you to take that step—a step I considered indispensable to vindicate the dignity of our laws, to suspend the execution of future projects of the same character, and to suppress the outbreaks of a fillibustering spirit.

JOHN E. WOOL,
Major General.

I certify the above to be a true copy of the original memorandum furnished to district attorney S. W. Inge.

JAMES A. HARDIE,
1st Lieutenant, 3d Artillery, Aide-de-Camp.

SAN FRANCISCO, CALIFORNIA,
August 31, 1854.

SIR: Herewith I enclose a correspondence of the 16th and 17th instants, between myself and the collector of this port.

I have the honor to be, very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

Hon. W. L. MARCY, *Secretary of State.*

[Confidential.]

CUSTOM HOUSE, SAN FRANCISCO,
Collector's Office, August 16, 1854.

SIR: I deem it my duty to inform you that I have been *confidentially* advised by the United States commissioner at the Sandwich islands, D. L. Gregg, esq., that two persons, named J. D. Blair, and —— Lathrop, arrived in this city by the steamer Polynesia, from Honolulu, a few days since, having in view the organizing of a force intended to operate against the present government of those islands, and to declare its separate independence.

The commissioner further states, that the said Blair and Lathrop are

ostensibly warm supporters of the projected annexation of that country to the American Union, but are in fact devising schemes hostile to such annexation, and to American interests in the Pacific.

If you still regard this subject of fillibustering as coming within the range of your present duties, I shall be pleased to confer with you, and to second any plan you may propose, to check the evil in question.

Very respectfully, your obedient servant,

RICHARD P. HAMMOND,
Collector.

Major General JOHN E. WOOL, *U. S. Army,*
Commanding Pacific Division, San Francisco, California.

A true copy:

EDWARD TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, August 31, 1854.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, August 17, 1854.

SIR: I have received your confidential communication of the 16th instant, by which I am informed that J. D. Blair and —— Lathrop arrived in this city by the steamer Polynesia, from Honolulu, a few day since, having in view the organization of a force intended to operate against the present government of those islands, and to declare its separate independence.

In the conclusion of your communication you remark that, "if you still regard the subject of fillibustering as coming within the range of your present duties, I shall be pleased to confer with you, and to second any plan you may propose to check the evil in question."

In reply to all which, I would observe, that since the trial of Watkins and others, for violating the neutrality laws, I have received from the Secretary of War the following instructions. Referring to previous instructions on the unlawful expeditions sailing from the coast of California, he says: "It was not expected or desired that the military commander should do more than belongs to the ordinary relations of civil and military power, and in instructing you to aid the civil authorities, it was not intended that you should originate arrests and prosecutions for civil misdemeanors."

By which you will perceive I am restricted to simply rendering aid to the civil authorities, in all cases of fitting out unlawful expeditions against foreign powers.

In conclusion, I have only to remark, any aid coming within the purview of my instructions will be most cheerfully and promptly rendered to the civil officers, in all cases touching the violation of our neutrality laws.

Very respectfully, your obedient servant,

JOHN E. WOOL,
Major General.

R. P. HAMMOND, Esq., *Collector,*
San Francisco, California,

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 26.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A report of the Secretary of the Interior asking for certain appropriations for the service of the Indian department.

JANUARY 19, 1855.—Referred to the Committee on Finance, and ordered to be printed.

To the Senate of the United States:

I communicate to the Senate herewith a letter from the Secretary of the Interior, dated the 18th instant, covering a communication from the Commissioner of Indian Affairs, with accompanying papers, and asking that certain appropriations be made for the service of the Indian department.

FRANKLIN PIERCE.

WASHINGTON, *January* 19, 1855.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1855.

SIR: I have the honor to submit to you herewith a copy of a communication, dated the 8th instant, with accompanying papers, from the Commissioner of Indian Affairs; and in view of the considerations therein set forth, to recommend that Congress be requested to make the following appropriations, viz:

For expenses of transportation of annuity, goods, and provisions to the Sioux of Mississippi, during the fiscal years ending the 30th of June, 1855, and 30th of June, 1856, thirty-two thousand dollars.

For actual expenses incurred, and that may hereafter be incurred, by officers of the Indian department in the rescue of prisoners from Indian tribes and returning them to their homes, and for expenses incident to the arrest and confinement within the territory of the United States, by order of these officers, of persons charged with crimes against Indians, five thousand dollars.

I am, sir, with much respect, your obedient servant,

R. McCLELLAND,
Secretary.

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs, January 8, 1855.

SIR: I have the honor herewith to enclose a copy of a letter dated August 21, 1854, received from his excellency Willis A. Gorman, in regard to the transportation of Sioux annuity goods, and my reply thereto of the 17th November last.

The estimate alluded to in my letter to him is submitted in his letter of the 17th ultimo, of which I also herewith submit a copy, and as appropriations for the Indian service are now engaging the attention of Congress, I have thought best to call your attention to the subject, with a view of suggesting that an appropriation be asked for.

Prior to the ratification of the treaty of July 23, 1851, the upper Sioux did not receive any annuity goods or provisions, and those paid to the lower Sioux were delivered at points near to St. Paul, Minnesota, and hence the department was not subjected to any heavy expense for the transportation. Until within the last year, and since the removal of these Indians to the reservations on the St. Peter's river, provided for them by the treaties of July 23, and August 5, 1851, as originally negotiated, and which reservations the President, under authority of those treaties, and concurrent action of Congress, at its last session, has recently confirmed to them, the department has been subjected to an annual expense of only $1,000 to $1,500, for the insurance and transportation of Sioux annuity goods.

The removal having been accomplished more than a year ago, it has since become necessary to send the annuity goods and provisions of these Indians from St. Paul to the agency at Redwood. The means of transportation between those two points is at all seasons of the year expensive, and by the treaties of 1851 the amount of goods and provisions payable to these Indians is largely increased; the item of transportation for them has thus suddenly become one of importance, and involving a considerable sum of money.

I transmit also herewith a copy of the abstract of bids received by the acting governor of Minnesota territory, some time last spring. A contract was entered into by the acting governor, J. T. Rosser, with A. M. Fridley, for the transportation of the Sioux goods, dated the 18th day of April last, which appears subsequently to have been assigned to Culver and Farrington. Not being as yet fully satisfied with regard to the propriety and fairness of the contract, the assignment, &c., and in view of the fact that the contractor, as late Indian agent, was, if he is not yet, largely indebted to the government for moneys not satisfactorily accounted for, I have withheld my approval of the contract and assignment.

The estimate of Governor Gorman, and the rates exhibited on the abstract of bids received, lead me to the conclusion that the annual amount required for the service indicated will be about sixteen thousand dollars.

It will be observed that the estimates submitted by Governor Gorman are for transportation beyond St. Paul, and do not include the cost of the insurance and transportation on the dry goods from New York to St. Paul.

There is no appropriation, except that for "contingencies of the In-

dian Department," to which the expense of transportation of annuity-goods is properly chargeable.

Of the appropriations under that head, heretofore made, there remained in the treasury June 30, 1853, $6,302 07; and on the 30th June, 1844, $3,394 62; and these balances were then liable for sundry items of service, the accounts for which had not then been rendered, and which, when rendered, almost entirely exhausted those balances. It will, therefore, at once be perceived that the fund in question, viz: "contingencies Indian Department," is entirely inadequate to meet the liabilities for the transportation of the Sioux annuity goods and provisions beyond St. Paul, and to meet the usual current charges against it.

I would, therefore, respectfully request that you recommend to Congress that an appropriation be made at the present session applicable, generally, to the expense of the transportation of the annuity goods and provisions to the Sioux Indians of the Mississippi, as follows: For expenses of transportation of annuity goods and provisions to the Sioux of the Mississippi, during the fiscal years ending June 30, 1855, and June 30, 1856, $32,000.

Referring to reports of late Agent Whitfield, accompanying my late annual report, I would remark that the two Mexican children rescued by him last summer from the Cheyennes, are now at Fort Leavenworth Indian Manual Labor school, and their parents, in New Mexico, are reported by Governor Merriwether to be poor and unable to defray the expenses which have been, and would be, incurred in the rescue and the return of their children to them. It is also well known that there are many Mexican women and children in captivity among the tribes of Indians within, and on the borders of, New Mexico and Utah; and there may be, also, some who are citizens of the United States. It is deemed highly probable that our Indian agents in those regions might, by a concerted effort, and by means of a few presents of inconsiderable value, secure the release of such prisoners and their return to their homes. This office has also felt inconvenience during the past year, from not being provided with any fund to defray expenses that might be incident to the arrest and confinement in the Indian country of persons charged with crimes committed upon Indians, the commission of which not unfrequently is the cause of retaliation on the part of the Indians, the robbery and murder of emigrants, and other deplorable consequences.

I have, therefore, also to request that you will recommend that Congress, at its present session, by appropriation, place at the disposal of the department the sum of $5,000, as follows:

For actual expenses incurred, and that may be hereafter incurred, by officers of the Indian Department, in the rescue of prisoners from Indian tribes and returning them to their homes; and for expenses incident to the arrest and confinement, within the territory of the United States, by order of officers of the Indian Department, of persons charged with crimes against Indians.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. *Robert McClelland*,
Secretary of the Interior.

EXECUTIVE OFFICE, MINNESOTA TERRITORY,
St. Paul, December 7, 1854.

SIR: Yours of the 17th ultimo was received yesterday, by which you acknowledge the receipt of abstract of bids for transportation, and by which you have approved the contract of Bass, Borup & Co., for powder and tobacco for the Sioux, and of the payment therefor.

You call my attention to the fact of Mr. Fridley's being indebted to the United States in a large amount, and that payment could not be made him therefor, if the services were performed heretofore. This, it seems, Mr. Fridley avoided by assigning the contract to Culver & Farrington, *before any part* of the service was performed, which contract and assignment were forwarded to you about two weeks since, to which you are referred.

You call my attention to your letter of the 3d of March last, by which you suggested that I advertise for supplies for the Sioux, "to be delivered at such time, and in such quantities, as would be best for their interest." "And not involve too heavy an expense for transportation."

I did accordingly advertise for supplies to be delivered at St. Paul at specified times, &c., &c., and could not safely, for the interest of the Indians, designate any point of delivery nearer their agency, owing to the uncertain navigation of the Minnesota river, and the heavy charges for freight by the boats in that trade. The water was everywhere, as you are aware, unusually low, during the past season, and especially so in this region of the west, and I found if I designated Henderson, or Traverse des Sioux, the transportation (from this point to either of the latter on the Minnesota,) would cost the Indians about 80 cents or $1 per hundred pounds, which would so reduce their provision that it would work serious injury to their interests. If you will turn your attention to the treaty, and the amount they were to receive annually in goods and provisions, you will not fail to observe that it was expected that contracts were to be made for their delivery at St. Paul, as at that time no boats, or but few, in 1851, had ever ventured up the Minnesota; and up to that date its safety was not by any means a known fact, even in the highest stage of water. I therefore concluded that St. Paul was the point at which contractors should deliver their provision.

The question you now present is, whether the estimates for this year's transportation will probably be required from year to year, if so, "that Congress" may be asked by your department "to make such provision in the premises as in its wisdom may be adjudged necessary and proper."

In reply to this, I think the amount stipulated for provision annually under the treaty indicates that St. Paul was considered as the point from which the government should transport it to their agency. But I would here observe, that I think it would not be detrimental to the welfare and general good of the Indians to lessen the annual money payment under the treaties of 1851, and increase the goods and provision *fund.* This proposition needs only to be stated to be fully understood. *Or if* that should not be deemed best, then to lessen, after this year, their annual agricultural fund from $12,000 annually, to $10,000, by which

$4,000 each year might be applied to the provision fund, and $4,000 each year out of their money annuity fund, making $4,000 for the upper, and $4,000 for the lower bands, to be added to their provision fund, and then advertise for their annual supplies of provision to be delivered at Henderson, or Traverse des Sioux, by the contractors, which would only leave a sum equal to about $4,000, or less, as a charge upon the contingent fund of the Indian Department. It must be borne in mind that, heretofore, their agency was at Fort Snelling; now it is removed to Redwood, a distance of 135, or 140 miles further, by the land route, and 250 miles by the course of the Minnesota river.

Therefore if contracts were hereafter to be made for goods and provisions, to be delivered at Traverse des Sioux, the Indians would not receive one half the amount they would if delivered at St. Paul, and this I think would not be justice to them, or at all satisfactory. If the goods and provisions are to be contracted for, to be delivered at St. Paul, and the government is to pay transportation thence to the agency, the present estimates will be required each year. But I think it would be equally to the interest of the Indians to divert part of the agricultural fund to the provision fund, as both may be considered, in one sense, a provision fund. I think $10,000 per annum agricultural fund to each of the upper and lower bands would produce about the same as if $12,000 per annum were expended; therefore I advise that course. My reason for this conclusion is, that this year the first ploughing, fencing, and building had to be done, at a much larger expense than need be next year.

The first ploughing costs about $5 per acre, the next ploughing not more than half that sum.

The first fencing will last, with a little annual repair, say five years. The first year the farmers', interpreters', blacksmiths', &c., houses and shops had to be built, and the next year this expense will be nothing excepting what the *remainder* of the $24,000 (heretofore sent this superintendency) will fully meet.

You desire to be informed at what season of the year the transportation from St. Paul to the Sioux reservation is generally cheapest, and the range of prices at the different seasons of the year, and the means of transportation at the various seasons of the year. In reply, I would say, that transportation is cheapest on said route in May, June and July; the mode of conveyance being by steam-boat generally, during those months, and at about $1 25 per hundred pounds. But this season, owing to the low stage of water, no boat could go to the *agency*. You can rely upon steamboat conveyance in May, June and July, to Traverse des Sioux, a distance of fifty-five miles from the agency. From Traverse des Sioux to the agency, the cost per hundred in the summer and fall would be about seventy-five cents to one dollar per hundred by wagons; freight from St. Paul to Redwood, after August, is about $1 75 to $2 25 per hundred pounds. From St. Paul to Redwood, steamboat navigation opens in April and closes in November, but uncertain after August.

In my annual report for 1853, I recommended the payment of goods, provisions, and money, in July or August, for reasons therein stated. I adhere *to that recommendation* now.

I enclose you another estimate for transportation and the probable cost during the different seasons, and by the available means from St. Paul to Redwood.

May, June, July, by water, per hundred pounds, $1 25 to $1 50.

August, September, October, by water to Traverse des Sioux, and from thence by land in wagons, $2 25.

November, December, January, February, March and April, by land in wagons, $2 50.

Navigation closes middle November and opens middle April. General average cost of transportation during the year, including every risk, per hundred pounds, $1 90.

Average transportation from Traverse des Sioux to Redwood, by land, in wagons, per hundred pounds, 75 cents to $1 00, a distance of fifty-five or sixty miles.

Average transportation from St. Paul to Traverse des Sioux, by land, in wagons, per hundred pounds, $1 50 to $1 75.

Average transportation from St. Paul to Traverse des Sioux, by steamboat, per hundred pounds, 50 to 75 cents.

This year the provisions were sent up in May, June and July. This year goods sent up in September, October and November, they not being received in time for spring navigation, and low water delayed them until late in September in getting to Henderson, sixteen miles below Traverse des Sioux, where they had to be stored.

You say "a copy of your advertisement for proposals for transportation has not reached me."

I herewith forward a copy.

I have the honor to be, your obedient servant,

W. A. GORMAN.

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington City.

EXECUTIVE OFFICE,
St. Paul, August 21, 1854.

SIR: I have the honor to inform you that the following sum, $15,904 50 for the Sioux, and $3,186 30 for the Winnebagoes, making in all $19,190 80 is required to pay contractor for transporting the Winnebagoes and Sioux annuity provisions and goods, as follows, viz:

Winnebago transportation.

Flour delivered at Wa Tab		122,170	
Pork	do	78,336	
Lard	do	18,400	
Goods	do	24,000	
Total		242,906 at 96 cts. per cwt.	$2,232 90

ır delivered at Long Prairie...30,542
.....do.....19,584
l.....do..... 4,600
ds.....do..... 6,000

Total.....60,726

ıber of pounds delivered at Wa Tab, 242,906, at 96 nts per cwt.....$2,232 90
ıber of pounds delivered at Long Prairie, 60,726, at l 57 per cwt..... 953 40

Total..... 3,186 30

Sioux transportation.

9 barrels flour of 216 lbs....	256,824	at $1 90 per cwt.	$4,879 65
1 barrels pork of 320 lbs....	128,320	do	2,438 08
sheads.....24,400 lbs.. ght of kegs... 4,000 lbs..	28,400	do	539 60
4 bushels corn and sacks....	384,566	do	6,622 75
kegs powder.. 2,668 lbs.. ght of kegs.... 1,070 lbs..	3,738	do	71 02
of lead.....	2,890	do	53 20
acco..... 1,616 lbs.. ght of boxes.. 500 lbs..	2,116	do	40 20
ıity goods... 4,000 lbs		do	760 00
ingencies			500 00
Total			15,904 50

ıe above were all to be delivered at Redwood.

Very respectfully, your obedient servant,

W. A. GORMAN.

)MMISSIONER OF INDIAN AFFAIRS,
Washington city, D. C.

Abstract of bids for transportation.

Names.	Chippewas.	Winnebagoes.	Sioux.
Olmstead.....	$1 86	.....	.....
& Farrington	1 79	$1 97	$1 95
bert.....	.....	.....	1 94
Borup & Co.....	1 65	1 75	3 25
Fridley.....	1 49	1 57	1 90
wn.....	.....	.....	2 88

Estimate for transportation of annuities for Sioux Indians for the year 1854.

Articles.	Total weight in pounds.	Value.
926 barrels of flour, at 216 pounds	200,016	$3,800 30
401 barrels of pork, at 320 pounds	128,320	2,438 08
Kegs of hog's lard, 19,400 pounds Weight of kegs, 3,000 pounds	22,400	425 60
6,164 bushels of corn and sacks	348,566	6,622 75
107 kegs of powder, 2,668 pounds Weight of kegs, 1,070 pounds	3,785	71 02
Bar lead	2,800	53 20
Tobacco, 1,616 pounds Weight of boxes, 500 pounds	2,016	40 20
500 bushels of potatoes, 30,000 pounds 260 sacks, 520 pounds	30,520	579 88
18 bushels seed corn in ear	1,170	22 23
Annuity goods, say	40,000	760 00
Contingencies		500 00
		15,313 56

The above estimate is based on the average being $1 90 per 100 pounds from St. Paul to Redwood.

W. A. GORMAN,
Governor and Superintendent of Indian Affairs.

St. Paul, *December* 7, 1854.

Department of the Interior,
Office Indian Affairs, November 17, 1854.

Sir: Referring to your letter of the 15th August last, inclosing an abstract of proposals received to the 15th April last, for supplying annuity provisions to sundry tribes in your superintendency in 1854, and an abstract of bids received (time not stated) for the transportation of the same, with contracts for transportation entered into by the acting governor, J. T. Rosser, esq. with A. M. Fridley, and a contract for part of the provisions with Bass, Borup & Co.; and referring also to your letter of the 21st August last, submitting estimates of the amounts required to pay for said transportation, I have now to state that the acting governor, by letter of the 25th April last, submitted an abstract of the bids received to the 15th April for furnishing the provisions, but did not inform me to whom the contracts had been awarded.

Information on this latter point has been derived from your correspondence from time to time; and the contracts concluded have reached this office at various times—one of them through Marshall & Co., of St. Paul.

The contract with Bass, Borup & Co., dated the 18th April, for the delivery of powder and tobacco for the Sioux is approved, and will be recorded and filed. You are therefore authorized to pay their account when the contract is fully complied with on their part.

As to the contracts for the transportation entered into with A. M. Fridley, I have to remark that, should the service have been performed by him heretofore, it will not be proper for me to authorize payment to

be made to him. I have recently received an official communication from the Second Auditor of the Treasury, by which I am informed that a large amount is due the United States from Mr. Fridley for moneys unaccounted for as Indian agent, and it would be my duty to take measures to apply any amount that might be found due him, for subsequent services rendered to the United States, towards the liquidation of the balance alluded to.

On the receipt of this you will at once inform me what has been done in regard to this transportation.

I must also remark further in reply to the letter of the 21st August, before mentioned, that the amount which it appears is likely to be required for the transportation of the Sioux provisions is so large that it could not safely be met from the contingent fund of the department without embarrassing every branch of the Indian service.

If such an amount is, and will be necessarily required, from year to year, you will at once inform me, and submit a special estimate that Congress may make such provision in the premises as in its wisdom may be adjudged necessary and proper.

In this connexion your attention is called to that part of my letter to you of the 3d of March last, by which you are instructed to advertise for the delivery of these annuity provisions "at such time and in such quantities as will be best for the interest of the Indians, and not involve too heavy an expense for transportation."

I desire that you would report at what seasons of the year transportation from St. Paul to the Sioux reservation is generally the cheapest, the range of prices at the different seasons of the year, and the means of transportation available at the various seasons.

By the same letter (of the 3d March) you were instructed also to advertise for a contract for the transportation. A copy of your advertisement for proposals for the transportion has not reached me.

For other remarks as connected with the contract with E. G. Potter, I would refer you to my letter of this date, more particularly in relation thereto.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

His Excellency WILLIS A. GORMAN,
Governor, &c., St. Paul, Minnesota.

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 27.

REPORT

OF

THE POSTMASTER GENERAL,

IN COMPLIANCE WITH

A resolution of the Senate of December 21, 1854, relative to the transmission of the mails from Cairo to New Orleans.

JANUARY 22, 1855.—Read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

POST OFFICE DEPARTMENT,
January 17, 1855.

SIR: In answer to the resolution of the Senate, adopted 13th instant, inquiring as to the establishment of a mail on the Mississippi river, under an act of Congress of 5th August, 1854, I have the honor to state that I invited proposals, by public advertisement, on the 29th of August last, for conveying mails from Cairo, by Memphis, Napoleon, Vicksburg, Natchez, and Baton Rouge, to New Orleans and back, daily, in safe and suitable steamboats; and also from Rock Island, by Hampton, Port Byron, Cordova, Albany, Fulton, Savannah, Le Claire, Camanches, Lyons, Sabula, and Bellevue, to Galena, three times a week, in safe and suitable steamboats; and that Sherly, Roe & Sherlock bid $300,000 per annum for the advertised service between Cairo and New Orleans, or $325,000, and supply, in addition, three times a week the post offices at Columbus, Hickman, New Madrid, Ashport, Oceola, Pecan Point, Randolph, Hickman's Bend, Fulton, Oldham, Napoleon, Victoria, Gaines's Landing, Columbia, Greenville, Point Worthington, Grand Lake, Princeton, Lake Providence, Talula, Pecan Grove, Millican's Bend, and Young's Point, or $350,000, and supply these points, with those named in the advertisement, *daily*.

The only other bid was from A. J. Cain, at $185,000 per annum for the advertised service. On the Rock Island and Galena route no bid was received in the prescribed time. The only bid was one received *after time*, from J. R. Jones, at $50 the round trip, equal to $7,800 per annum. Separate routes were also advertised from Cairo, by Columbus, Hickman, New Madrid, Ashport, Hickman's Bend, Fulton, Oceola, Pecan Point, Randolph, and Oldham, to Memphis, and Vicksburg to Napoleon, three times a week.

On the former J. B. Hall bid $30,000, A. J. Kain $30,000, Samuel Tate $40,000. On the latter no bid was received.

The boats now conveying mails between New Orleans and St. Louis supply Natchez, Vicksburg, Napoleon, Memphis, Hickman, and Cairo, daily, at $20 per trip.

The Louisville boats touch at the same points except Hickman, at $25 per trip, six times a week, and all other offices of importance between Cairo and New Orleans twice a week, at $100 per trip.

Thus the whole cost during the year ending the 30th June last, for daily mails between New Orleans and Louisville, and New Orleans and St. Louis, including the offices named in the late act of Congress, and semi-weekly to the numerous other offices on the Ohio and Mississippi rivers, and special daily service a part of the year between Vicksburg and New Orleans, twice a week between Memphis and New Orleans, and six times a week between St. Louis and Keokuk, amounted to but $112,485 per annum, while the lowest bid under the late advertisement was $185,000 per annum for the limited service therein specified between Cairo and New Orleans.

Under such circumstances, the bids for the service contemplated by the late act of Congress appeared to me so extravagant as to induce me to defer any acceptance. And I felt further justified in such course by the fact that there were then no great mail lines in operation with which to connect the proposed one at Cairo, making its support dependant principally upon the department. Now, by the completion of the Illinois Central railroad to Cairo such a large accumulation of trade and travel may be reasonably anticipated as will go far towards sustaining a line of boats, and thus reduce the cost of mail service. The importance of such a steamboat line, both for trade and travel, will be further enhanced by the completion of the Ohio and Mississippi railroad from the east to its point of intersection with the Illinois Central, which is expected to take place by April or May next, thus tending to a further reduction of the cost of mail transportation.

Having failed to obtain acceptable bids, after duly advertising for them, as directed by the act of Congress of 5th August, 1854, I am now engaged in efforts to put on the service by private contracts, as authorized by the provisions of the same act.

Two of the special agents of this department have been instructed to repair to Cairo and attend to the regular shipment of mails by transient boats from that point for all points named in the late act of Congress until permanent arrangements can be made.

I have the honor to be, very respectfully, &c.,

JAMES CAMPBELL.

Hon. JESSE D. BRIGHT,
President of the Senate.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 28.

REPORT

OF

THE SECRETARY OF WAR,

IN COMPLIANCE WITH

A resolution of the Senate of the 11th instant, relative to the troops of the State of Texas who have been or are in service, and have not been paid by the United States.

JANUARY 24, 1855.—Read, referred to the Committee on Finance, and ordered to be printed.

WAR DEPARTMENT,
Washington, January 21, 1855.

SIR: In answer to the resolution of the Senate of the 11th instant, "That the Secretary of War be required to lay before the Senate such information as may be in his department in reference to such troops of the State of Texas as may now be or heretofore have been in service in that State, and who have not been paid by the government of the United States, together with estimates of the amount necessary to pay said troops," I have the honor to state that the only troops which are believed to come within the terms of the resolution are the six companies of mounted volunteers called out by Major General P. F. Smith, commanding the department of Texas, and mustered into the service of the United States at Austin, Texas, on the 1st of November last, to serve for six months. The muster rolls of these companies not having yet been received at the department, no exact estimate of the amount necessary to pay them can now be made. The one made by the paymaster general, and submitted herewith, is conjectural, but the amount of it, $137,755 38, if appropriated, will probably be sufficient for the purpose.

Very respectfully, your obedient servant,

JEFFER. DAVIS,
Secretary of War.

Hon. J. D. BRIGHT,
President pro tem. of the Senate.

PAYMASTER GENERAL'S OFFICE,
January 16, 1855.

SIR: I have the honor to submit herewith, in compliance with the resolution of the Senate dated the 11th instant, an estimate of the

amount required for the payment of six companies of Texas mounted volunteers, called into service by Brevet Major General P. F. Smith, for the period of six months.

The estimate includes subsistence and forage for the whole period, there being no muster-rolls to show whether these allowances were furnished in kind. The item for "travelling allowance" is, for the same reason, entirely conjectural.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. LARNED,
Paymaster General.

Hon. JEFFERSON DAVIS,
Secretary of War.

Estimate of amount required to pay six companies of Texas volunteers (called into service by Brevet Major General P. F. Smith, United States army,) for six months, under the act of March 19, 1836.

Six companies for six months	$118,076 04
Estimated travelling allowance	19,679 34
Total	137,755 38

BENJ. F. LARNED,
Paymaster General.

PAYMASTER GENERAL'S OFFICE,
January 16, 1855.

33D CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 29.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the Secretary of the Interior, asking certain appropriation for the payment of the Cherokee Indians.

JANUARY 25, 1855.—Read, referred to the Committee on Finance, and ordered to be printed

To the Senate and House of Representatives of the U. S.:

I communicate to Congress, herewith, a communication of this date from the Secretary of the Interior, with accompanying papers, and recommend that the appropriation therein asked for be made.

FRANKLIN PIERCE.

WASHINGTON, *January* 22, 1855.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1855.

SIR: I have the honor to transmit to you, herewith, a copy of a communication addressed to me, on the 16th inst., by the Commissioner of Indian Affairs, and, in view of the facts therein stated, to recommend that Congress be asked to make the following appropriation, viz: For the payment of the amount due the Cherokee Indians on account of interest between May 1, 1845, and May 1, 1846, on stocks of the State of Michigan, held in trust by the Secretary of the Interior, under the treaty of 1835, and the supplement of March, 1836, twenty dollars and ninety-seven cents.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, January 16, 1855.

SIR: In reply to your letter, of the 6th instant, respecting a balance of $20 97 found to be due by the Honorable A. H. H. Stuart, late Secretary of the Interior, as trustee of stocks held by him in his official capacity, for sundry Indian tribes, I have to state, that the balance of $20 97 appears to have arisen in this way: on the 10th July, 1850, Honorable Thomas Ewing being then Secretary, the State of

Michigan was credited on the stock books kept in this office as follows; "By this amount per Honorable Alexander W. Buell, Detroit, being interest in part on $64,000 Michigan six per cent. 'General Fund Stock,' due between May 1, 1845, and May 1, 1846, $20 97." A corresponding charge was made against the Secretary of the Interior.

On the settlement of the stock account of the Secretary for the time being, to the 30th June, 1851, he was charged with this sum, on the faith of the foregoing entry, but the deposite of the money with the Treasurer of the United States could not be ascertained to have been made.

A subsequent correspondence with the Auditor of State of the State of Michigan, leads me to believe that the State has paid all the interest due, and all that was charged to her to the last dates; but I am not now able to state into whose hands the money came on the payment, as indicated above, by Honorable Mr. Buell. It is not at all probable that it ever came into the hands of the then Secretary, personally, although he became responsible and chargeable officially. It is certain, however, that it was never paid into the treasury to the credit of the Secretary of the Interior. Diligent inquiry, made some eighteen months since, failed to afford me certain information as to what became of the money.

I am verbally informed, that at the period referred to, (July, 1850,) the stocks were in the personal charge of Mr. Devereux, then a clerk in this office, and that the entry above quoted is in his handwriting.

Mr. Devereux, I am informed, was taken sick, and died a few months after; but the deficiency in the treasury, to the amount of this item, not having been discovered until July, 1851, the amount in the Secretary's stock account was charged as a balance due, under the expectation that the money might be traced up and properly deposited thereafter. This not having been done, the balance has been carried forward from time to time since.

Had not the death of Mr. Devereux intervened, it is likely that this sum could be accounted for, as the facts were doubtless within his knowledge; but as I do not see any prospect that the amount will be discovered, and brought into the treasury, and the Secretary's stock account thus be relieved of this balance, I would respectfully suggest that you recommend that an appropriation be made by Congress to supply the deficiency, as follows: "For the payment of this amount, due the Cherokees, on account of interest, between May 1, 1845, and May 1, 1846, on stocks of the State of Michigan, held in trust by the Secretary of the Interior, under the treaty of 1835, and the supplement of March, 1836, twenty dollars and ninety-seven cents."

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

33D CONGRESS, 2d Session. } SENATE. { EX. DOC. No. 30.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A report of the Secretary of the Interior and Postmaster General, respecting sites for court houses and post offices in Philadelphia, New York, and Boston.

JANUARY 25, 1855.—Read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of the Interior and the Postmaster General, together with accompanying documents, communicating what has been done in execution of the act of Congress of August 2, 1854, entitled "an act to provide for the accommodation of the courts of the United States in the district of Massachusetts, and in the cities of New York and Philadelphia."

I have deemed it best, under the circumstances, not to enter into any contracts for the purchase of sites, but to submit all proposals made in response to public advertisement for several weeks in the principal newspapers in each of the cities designated, to Congress, for such action as it may deem proper to take in fulfilment of the original design of the before-mentioned act.

FRANKLIN PIERCE.

WASHINGTON, *January* 24, 1855.

WASHINGTON, *December* 19, 1854.

SIR: On the 2d of August last, Congress passed an act to provide accommodations for the United States courts at Boston, New York, and Philadelphia, the second section of which is as follows:

"SEC. *And be it further enacted*, That the President be authorized to cause to be procured, by purchase or otherwise, suitable sites for buildings to be used as courthouses and post offices in the cities of Boston, New York, and Philadelphia; and that he prepare and submit to Congress, at as early a day as practicable, plans and estimates for the same, together with any contract or contracts he may make for any such site or sites, which contract or contracts shall be conditional and made subject to the approval of Congress."

With a view to the execution of this act, you deemed it proper to

invite proposals of sites, which was accordingly done, by public advertisement, for some weeks, in the principal newspapers in each of those cities; and we have now the honor to lay before you the accompanying schedules of the offers received, showing by whom made, where situated, the superficial extent and price of each.

We also submit a map or plan of each city, on which the sites are indicated by numbers corresponding with the numbers of the proposals.

After the receipt of these proposals, you thought it advisable that we should visit those cities, and, in conjunction with the postmasters and the marshals and other officers of the courts, personally inspect the premises in order to a more satisfactory ascertainment of their suitableness for the purposes intended, and the real value of the property offered.

We therefore proceeded to Philadelphia, New York, and Boston and viewed each of the proposed locations, with reference to the convenience of the public as well as the interest of the government.

These jointly demand that the post-offices as well as the United States courts should be located near to, though not necessarily in, the midst of the business portions of the cities, near the centre of population, and at points easy of access, and with an eye to any future changes which may be made in these respects. These requisites would necessarily restrict the selections of sites to those portions of the cities most highly improved; and it was anticipated, therefore, that the cost of the same, in the three principal cities of the Union, would be very considerable; but it was found to be so great that we are induced to recommend that no contracts be entered into for the purchase of sites, but that the results which have been obtained be submitted to Congress for such appropriations as it may, in its wisdom, see proper to make in fulfilment of its original designs.

It is suggested that the interests of the United States may be best consulted by the appropriation of such specific sum for the purchase of a suitable lot, and the erection of appropriate buildings thereon, in each of the cities in question as Congress may deem reasonable and proper, with a proviso that the cost of the lot and buildings shall in no case exceed the amount of the appropriation for that purpose.

It is also recommended that the buildings be erected under the supervision of a competent architect or superintendent, and that they be of brick and fire-proof, plainly and substantially finished, great regard being had, in all respects, to their durability and utility.

The construction of public buildings at other and minor points for those and like purposes has been repeatedly authorized by Congress, and the necessity for them in these great cities is still more apparent.

The present accommodations for the United States courts are unsuitable and insufficient; and, although the rents are very large and constantly increasing, it is not possible to procure, on lease, such buildings as the public interests require.

The great inconveniences attending the post office in Philadelphia have long been a cause of serious complaint, the rooms now occupied being too small and entirely unsuited for the large and increasing business done at that office.

In New York the building used for a post office is, in many respects, wholly unfitted for the purpose; and in Boston, where there is also a very large distribution, the rooms now occupied as the post office are quite too small, besides being so badly lighted as to require the use of gas in the day time.

We have the honor to be, sir, very respectfully, your obedient servants,

ROBERT McCLELLAND,
Secretary of the Interior.
JAMES CAMPBELL,
Postmaster General.

To the PRESIDENT.

Schedule of proposals for a site for a court-house and post office in the city of Philadelphia.

No. 1. By Charles J. Ashmead: Lot on Fifth street, between Spruce and Walnut streets, 68 by 190 feet, containing about 13,000 square feet, for.....	$65,000 00
No. 2. By N. Le Brun: Lot, between Fourth and Fifth streets, 105 feet on Walnut street, and 244 feet on Library street, 25,620 square feet, for	25,000 00
No. 3. By Pierce Butler: Northwest corner of Chesnut and Eighth streets, 174 feet on Chesnut street, 173 feet 4 inches on Eighth street, and 174 feet on Grape street, containing 30,160 square feet, for	286,000 00
No. 4. By Lewis Bremer and D. E. Breinig, executive committee of German church southeast corner Fourth and Cherry streets, front on Fourth street 194 feet, Cherry street 96 feet, thence south 46 feet 3 inches, east 6 feet, south 26 feet 9 inches, west 3 feet, south 121 feet—19,147½ square feet, for.....	150,000 00
No. 5. By Henry G. Freeman: Walnut Street Theatre, northeast corner Walnut and Ninth streets, 96 feet 6 inches on Walnut street and 140 feet on Ninth street, containing about 13,510 square feet, for $7 77 per foot, or.....	104,972 70
Also, a lot adjoining the above, on the east, 25 feet on Walnut street, 143 feet 6 inches, containing 3,587 square feet, for $7 31 per foot, or.....	26,220 97
No. 6. By John Rice, for Joseph Swift and others: Lot northwest corner Chesnut and Sixth streets, 156 feet 3 inches on Chesnut street and 150 feet on Sixth street, containing 23,437 square feet, for $11 52 per foot, (see substitute for this at the end,) or.....	269,994 24
No. 7. By C. Macalester: Lot southeast corner Sixth and Walnut streets, 123 feet on Walnut street and 156 feet on Sixth street, containing 21,668 square feet, for.	200,000 00
No. 8. By C. Macalester: Lot southeast corner Sixth and Walnut streets, 123 feet on Walnut street and 116 feet on Sixth *street, containing* 18,056 square feet, for.	165,000 00

No. 9. By C. Mitchell: Lot southwest corner Fourth and Chesnut streets, 111 feet on Chesnut street and 151 feet on Fourth street, containing 16,300 square feet, for..... $450,000 00

No. 10. By Bank of Pennsylvania: Lot fronting 82 feet on Second street and 295 feet on Lodge street, containing 21,371 square feet, for..... 250,000 00

No. 11. By J. B. Mitchell: Lot 25 feet, on Chesnut street, between Eighth and Ninth streets, depth 178 feet, containing about 4,450 square feet, for..... 75,000 00

No. 12. By Lloyd W. Bickley: Lot south side Walnut street, corner, 191 feet west, Fourth street, 78 feet on Walnut street, and running back 148 feet, about 11,554 square feet, (three large three-story brick houses on this lot,) for..... 98,159 50

No. 13. By D. F. Gordon: Lot northwest corner Fifth and Prune streets, 125 feet on Fifth street and about 132 feet on Prune street, containing 16,500 square feet. *Price* not stated.

No. 14. By J. M. Scott: Lot at the southeast corner of Chestnut and Ninth streets, 23 feet on Chestnut and 146 feet on Ninth street, containing about 3,358 square feet, for..... 50,000 00

No. 15. By Alfred M. Herkness: Lot southeast corner of George and Ninth streets, 88 feet on Ninth and 91½ feet on George street, containing about 8,052 square feet, for..... 91,621 00

No. 16. By N. Le Brun: Block, bounded by Chestnut street, Library street, and Fourth and Fifth streets.

Plan No. 1, 19,972 square feet..... $220,000 00
Plan No. 2, 25,366 square feet..... 317,000 00
Plan No. 3, 29,706 square feet..... 326,766 00
Plan No. 4, 37,712 square feet..... 433,688 00
Plan No. 5, 17,982 square feet..... 189,710 10

No. 17. By Samuel J. Randall: Lot 174 feet on Washington square and 126 feet on Walnut street, 21,924 square feet, for..... 207,180 80

No. 18. By Samuel J. Randall: Offers, if the government desires, from 25 to 50 feet on Chestnut street, in addition to that described in proposal No. 17, and on the same terms.

No. 19. By William Deal, R. C. Mitchell, and O. W. Leslie: Lot on west side of Fourth street and north side of Library street, adjoining the custom house property on the east, 10,814 square feet, for..... 197,000 00

No. 20. By N. Le Brun: Block bounded by Walnut, Library, and Fourth and Fifth streets.

Lot No. 1, 20,590 square feet, for..... 240,913 00
Lot No. 2, 25,366 square feet, for..... 292,216 32
Lot No. 3, 29,706 square feet, for..... 326,766 00
Lot No. 4, 38,712 square feet, for..... 433,574 40

Lot No. 5, 17,982 square feet, for..... $189,710 10
Lot No. 6, 12,124 square feet, for..... Not stated.

No. 21. By W. L. Scaffer: Lot northwest corner of Second and Lodge streets, 42 feet on Second street and 200 feet on Lodge street, 8,200 square feet, for.. 110,000 00

No. 22. By George N. Barber: Lot SE. corner of Fifth and Chesnut streets, including all the property between the custom-house and Fifth street, and between Chestnut and Library streets. Neither contents nor price stated.

No. 23. Isaac B. Parker: Lot 147 feet on south side of Chesnut street, between S. Eighth and S. Ninth streets, and extending back 146 feet 10 inches; about 21,550 square feet, for 220,504 25

Also, a lot 68 feet on S. Ninth street and 237 feet on George street, about 16,116 square feet, for..... 118,500 94

No. 24. By N. Le Brun: Lot on SE. corner of Locust and Juniper streets, 125 feet on Locust and 200 feet on Juniper street; 25,000 square feet, for..... 100,000 00

Also, the lot on SW. corner of Locust and Thirteenth streets, 125 feet on Locust and 200 feet on Thirteenth streets; 25,000 square feet, for 150,000 00

Or will sell the whole of the above two lots for 250,000 00

Reserving all the mantel-pieces of foreign marbles, together with the hot-houses, green-houses, and exotic plants. The main building is 102 feet on Locust street; the offices extend the entire distance back on Thirteenth street to Howard street; the coach-houses, stables, and other buildings, extend on Howard street about 125 feet. The remainder of the square is inclosed by a substantial stone wall. The dwelling and all the offices, with coach-houses and stables, are covered with a metalic roof, and are fire-proof. There are several fire-proof safes built in the walls. All the walls in and about the place are of immense thickness, which, if not required by the government, I will take, and make a deduction of *five thousand dollars* from the price.

No. 25. By Robert Patterson: offers precisely the same premises offered by N. Le Brun in No. 24, and upon the same terms and conditions throughout.

Substitute for No. 6.—By John Rice, for Swift and others: If the corner lot, 24 feet by 80 feet, is deducted, the amount of bid will be reduced $60,000. If the western lot, known as the Bolivar House, 38 by 75 feet, is deducted, a still further deduction can be made of $35,000.

Schedule of proposals for a site for a court house and post office in the city of New York.

No. 1. By Isaac Young, treasurer of the Reformed Protestant Dutch Church: The *building* and grounds now occupied by the post office,

bounded by 184 feet 8 inches on Nassau street, 101 feet 8 inches on Cedar street, 115 feet 9 inches on Liberty street, and by about 174 feet on the northeasterly side, containing about 20,250 square feet, for $520,000 00

No. 2. By Martin E. Thompson: Property known as the Clinton Hotel, having a front of 50 feet on Beekman street, with a depth of 104 feet, containing 5,200 square feet, for..... 150,000 00

No. 3. By N. Hill Fowler: A lot having 186 feet 1 inch on Nassau street, 144 feet 8 inches on Beekman street, 199 feet 1 inch on Park Row, and 59 feet 10 inches on street, containing about 26,609½ square feet, for.. 399,135 00

No. 4. By Baker & Weeks and Martin E. Thompson: Lot 151 feet deep, extending through from Chambers to Reade streets, having a front on each of 125 feet, containing about 18,875 square feet, for..... 400,150 00

No. 5. By James B. Glentworth: A lot fronting 90 feet on Broadway and 124 feet 2 inches on Reade street, containing about 23,000 square feet, for..... 550,000 00

No. 6. By Porter McCarty and Thomas S. Gibbs: Gothic Hall, formerly Masonic Hall, on lot on boundary between Pearl and Duane streets, fronts 50 feet on Broadway, depth 125 feet, rear breadth, 125 feet, in all 7,500 square feet; offers to rent for $1 60 per square foot per annum.

No. 7. By Chauncey Bernard: Lot on Broadway, between Anthony and Leonard streets, containing 16,000 square feet, for 200,000 00

No. 8. Also, a lot extending from Anthony to Leonard street, midway between Broadway and Church street, containing 19,700 square feet, for..... 225,000 00

No. 9. By Mortimer Livingston: Lot fronting 200 feet on Church street, 100 feet on Anthony street, and 100 feet on Leonard street—20,000 square feet, for..... 160,000 00

No. 10. By Asher Kurshual: Lot 194 feet deep, extending from Lispenard to Walker street, with a front of 256 feet on each, containing about 50,000 square feet, for 500,000 00

No. 11. By J. B. Glentworth: Lot fronting 50 feet on Broadway and 150 feet on White street, about 7,500 square feet, for..... 300,000 00

No. 12. By J. B. Glentworth: Lot fronting 199 feet 6 inches on Broadway, depth 150 feet, bounded by Bond street on one side and Great Jones' street on the other, about 30,000 square feet, for..... 450,000 00

No. 13. By J. B. Glentworth: Lot fronting about 180 feet on Fourteenth street, 206 feet on University Place, 203 feet on Thirteenth street, containing about 40,000 square feet, for..... 550,000 00

No. 14. By J. B. Glentworth: Lot fronting 202 feet 9 inches on Broadway, 313 feet 2 inches on Twenty-

third street, and 301 feet 4 inches on Twenty-fourth street, about 63,000 square feet, for $425,000 00

No. 15. By Rugsley & Raynor and Fowler & Franklyn, agents: Lot 208 feet on Broadway, 197 feet 6 inches on Sixth avenue, 169 feet on Thirty-first street, and 92 feet on Thirty-second street, about 26,000 square feet, for 220,000 00

Schedule of proposals for a site for a court-house and post office in the city of Boston.

No. 1. By the city of Boston: The granite court-house in Court square, on Court street, near the head of State street, 14,450 square feet, for $450,000 00

No. 2. By Charles McIntyre: For court-house alone, Massachusetts block, being part of an estate, bounded by Washington street, Court square, and Williams' court, 7,604 square feet, for..... 150,000 00

Or the whole estate, from Washington street to Court square, being 69 feet on Washington street, (9 feet being incumbered,) 269 feet on Williams' court, 60 feet on Court square, (part of the estate being on lease for two years,) containing 14,189 square feet, for.... 333,441 00

No. 3. By Selden Crockett: The Bromfield House estate, 10,070 square feet, for..... 95,665 00

No. 4. By Joseph Coolidge: An estate 96 feet 7 inches on Bowdoin square, 98 feet 6 inches on the rear, 216 feet 8 inches on the northwest, and 202 feet 6 inches on the southeast boundary, 20,301 square feet, for... 101,505 00

Also, an adjoining lot, 1,611 square feet, for..... 11,817 67

No. 5. By Liberty Square Warehouse Company: Their estate bounded by Milk street, Batterymarch street, Liberty square, and Kilby street, containing 17,271 square feet, for 240,000 00

No. 6. By William Foster Otis: His wharf-lot and floats, at the end of D, on C, street, at the extremity of Mt. Vernon street, about 40,000 square feet, for 12,000 00

No. 7. By George W. Lyman: A lot at the corner of Summer and Hawley streets, 27,000 square feet, for. 189,000 00

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 31.

REPORT

OF

THE SECRETARY OF STATE,

IN COMPLIANCE WITH

A resolution of the 22d instant, calling for E. N. Horsford's report of an analysis of guano.

JANUARY 29, 1855.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 22d instant, the Secretary of State transmits a copy of a letter of Professor E. N. Horsford to this department of the 17th of July last, and of the report upon the analysis of guano which accompanied it.

Respectfully submitted,

W. L. MARCY.

DEPARTMENT OF STATE,
Washington, January 24, 1855.

Mr. Horsford to Mr. Marcy.

LABORATORY OF THE LAWRENCE SCIENTIFIC SCHOOL,
HARVARD UNIVERSITY, CAMBRIDGE,
July 17, 1854.

SIR: I have the honor herewith to communicate my report upon the analysis of the sample of guano made in compliance with your request.

I have the honor to be, very respectfully, your obedient servant,

E. N. HORSFORD.

Hon. WILLIAM L. MARCY,
Secretary of State.

Analysis of a new variety of Guano, in accordance with instructions from Hon. Wm. L. Marcy, Secretary of State of the United States.

The sample of guano was a chocolate-colored or brownish yellow powder, containing occasional dull white lumps, and exhaling a strong ammoniacal odor. The lumps crumbled readily to powder, and were, preparatory to analysis, thoroughly pulverized and intimately

mixed with the larger colored portion, to render the sample homogeneous.

Qualitative analysis showed the presence of water, waxy matter, ammonia, urea, uric acid, humic acid, oxalic acid, carbonic acid, phosphoric acid, sulphuric acid, hydrochloric acid, silicic acid, potassa, soda, lime, magnesia, oxide of iron, sand, and nitrogenous organic matter.

The uric, humic, carbonic, and to some extent the phosphoric and hydrochloric acids, were combined with ammonia. The excess of phosphoric acid was combined with lime, magnesia, and oxide of iron. The sulphuric acid was combined with potassa and soda.

QUANTITATIVE ANALYSIS.

DETERMINATION OF WATER.

The water determination was made at the temperature of 100° C. (212° Fah.) by exposing in watch glasses weighed portions of the guano, in a chamber surrounded by steam.

I. 2.942 grains guano lost 0.444 grains; II. 4.034 grains guano lost 0.604 grains; III. 2.864 grains guano lost 0.431 grains.

CARBONATE OF AMMONIA.

After the water was expelled there was a loss of carbonate of ammonia.

I. 2.942 grains guano lost 0.018 grains

II. 4.034 grains guano lost 0.024 grains.

WAXY MATTER.

The wax was extracted first by strong alcohol and afterwards by ether, evaporated to dryness over a water-bath, and repeatedly digested with water to extract the urea and other matters soluble both in alcohol and water, leaving behind the wax. The residue dried at 100° C. (212° Fah.) was weighed.

I. 2.864 grains guano yielded 0.050 grains wax.

FIXED AND VOLATILE MATTERS.

A weighed portion was ignited in a platinum capsule till it became white, and until after repeated ignitions it ceased to lose weight.

I. 3.295 grains lost by ignition 2.147 grains.

RESIDUE INSOLUBLE IN COLD WATER.

I. 13.191 grains guano left insoluble residue 5.073 grains.

The aqueous extract was contained in 357.5 cubic centimetres, from which measured portions were taken for the analysis of the bodies dissolved, including ammonia, potassa, soda, phosphoric and sulphuric acids, and other bodies in smaller quantity.

RESIDUE INSOLUBLE IN HYDROCHLORIC ACID.

I. 6.975 grains guano left 0.355 grains residue.

The hydrochloric acid extract was contained in 446.7 cubic centi-

metres, from which measured portions were taken for the several analyses, and the quantities found referred to the total 6.975 grains.

RESIDUE INSOLUBLE IN HYDROCHLORIC ACID AND AFTER TREATMENT WITH POTASSA.

I. 6.975 grains guano left after extraction and ignition 0.0541 grains.

ORGANIC ANALYSIS—CARBON AND HYDROGEN.

I. 1.2021 grains guano burned in bichromate of lead gave 0.4900 grains carbonic acid = 0.1335 grains carbon; and 0.4809 grains water =0.0534 grains hydrogen.

NITROGEN.

II. 0.3837 grains guano, by the method of Varrentrapp and Will, gave 0.3470 grains platinum, corresponding with 0.0492 grains nitrogen.

UREA,

Was found (in quantity too small for determination) in the alcohol-ether extract, after separation of the wax, by water, concentration and treatment with nitric acid. The urea originally present had, by oxidation, most of it passed into the form of carbonate of ammonia.

HUMIC ACID.

I. 13.191 grains guano gave from the aqueous extract upon addition of excess of nitric acid, a dark brown flocculent precipitate of humic acid with a trace of uric acid =0.0406 grains.

URIC ACID.

I. 6.975 grains guano gave from the heated hydrochloric solution on cooling 0.070 grains, precipitate of uric with some humic acid.

II. The residue insoluble in hydrochloric acid was extracted with boiling potassa, and precipitated with hydrochloric acid.

6.975 grains guano gave 0.200 grains uric acid.

OXALIC ACID.

The addition of acetate of potassa to the hydrochloric acid solution gave a precipitate of oxalate of lime and phosphate of sesquioxide of iron. The two precipitates were weighed together, ignited, and the phosphate of iron subsequently determined by itself.

I. 6.975 grains gave of oxalate of lime as such, (Ca. 0, $C._2$ 0_3 H. 0,) 1.701 grains.

CARBONIC ACID.

The aqueous extract, by boiling and passing the vapor through a solution of chloride of barium and ammonia, gave a precipitate of carbonate of baryta.

I. 13.191 grains guano gave 1.126 grains of carbonate of baryta = 0.2512 grains of carbonic acid.

PHOSPHORIC ACID.

(In aqueous solution.)

I. 13.191 grains guano gave 1.3854 grains of hydrophosphate of magnesia = 0.8906 grains of phosphoric acid.

(In hydrochloric acid solution.)

II. 6.975 grains guano gave 1.3606 grains of hydrophosphate of magnesia = 0.8746 grains of phosphoric acid.

(As phosphate of sesquioxide of iron, not included above.)

III. 6.975 grains guano gave 0.078 grains phosphate of sesquioxide of iron.

SULPHURIC ACID.

(Aqueous solution.)

I. 13.191 grains guano gave 2.613 grains sulphate of baryta, corresponding to 0.896 grains of sulphuric acid.

(Hydrochloric acid solution.)

II. 6.975 grains guano gave 1.3534 grains sulphate of baryta, corresponding to 0.4642 grains sulphuric acid.

HYDROCHLORIC ACID, (CHLORINE.)

I. 13.191 grains guano gave 1.4493 grains of chloride of silver, corresponding to 0.3585 grains of chlorine.

SILICIC ACID.

6.975 grains guano gave 0.105 grains silicic acid.

AMMONIA.

A graduated portion of the aqueous extract was evaporated with hydrochloric acid and bi-chloride of platinum to dryness, over a water-

bath, giving platinochloride of potassium and platinochloride of ammonium. The precipitates after being washed were dried, ignited, and weighed as metalic platinum and chloride of potassium. After washing out the chloride of potassium, the platinum corresponding to the two salts was again weighed.

I. 13.191 grains gave, 1st weighing, 7.2160 grains.
2d " 6.0050 grains.

6.005 grains platinum correspond to 1.0342 grains ammonia, ($N. H._3$), or 1.5820 grains $N. H._4 0$.

POTASSA.

I. 13.191 grains guano gave, by the process above, 0.997 grains of chloride of potassium = 0.633 grains of potassa.

SODA.

I. 13.191 grains guano gave, by direct determination with baryta water, from the aqueous extract, 0.679 grains chloride of sodium = 0.359 grains of soda.

LIME.

(As oxalate.)

The hydrochloric acid solution, upon addition of acetate of potassa, gave a precipitate of oxalate of lime and phosphate of iron, which were separated as previously described under the head of oxalic acid.

I. 6.975 grains guano gave of carbonate of lime 0.263 grains, corresponding with 0.147 grains of lime, which correspond with 0.273 grains of phosphate of lime, (8 Ca. 0, P. $0._5$.)

II. 13.191 grains of aqueous solution gave 0.0328 grains carbonate of lime.

MAGNESIA.

I. 6.975 grains guano gave of hydrophosphate of magnesia 0.109 grains.

OXIDE OF IRON.

(Present as phosphate.)

6.975 grains guano gave of phosphate of iron 0.078 grains.

SAND.

6.975 grains guano left, after digestion with hydrochloric acid and subsequent digestion with potassa, and ignition of the residue, 0.0541 grains.

Expressing in hundred parts the foregoing results, there are—

	I.	II.	III.	Avera
Water	15.09	14.97	15.05	1
Carbonate of ammonia	.60	.61	.....	
Waxy matter	1.76	.....	.....	
Volatile matter at red heat	65.16	.....	.....	6
Fixed matter at red heat	34.84	.....	.....	3
Matter soluble in cold water	61.54	.....	.....	6
Matter insoluble in cold water	38.46	.....	.....	3
Matter soluble in hydrochloric acid	94.91	.....	.....	9
Matter insoluble in hydrochloric acid	5.09	.....	.....	
Carbon	11.11	.....	.....	1
Hydrogen	4.44	.....	.....	
Nitrogen	12.84	.....	.....	1
Total potential	.....	.....	.....	.....
Ammonia, (N. H. 3.)	15.59	.....	.....	1
Total ammonia, N. H. 4 0.)	23.84	.....	.....	2
Humic acid with traces of uric acid	0.31	.....	.....	
Uric acid with trace of humic acid	3.87	.....	.....	
Oxalic acid	12.24	.....	.....	1
Carbonic acid	1.90	.....	.....	
Phosphoric acid in the aqueous solution	6.07	.....	.....	
Do.....in phosphate of iron, (a)	.....	0.64	.....	
Do.....in hydrochloric acid solution, not including (a.)	.....	.....	12.54	1
Sulphuric acid in aqueous solution	6.80	.....	.....	}
Do....in hydrochloric acid solution	.....	6.66	.....	}
Chlorine	2.72	.....	.....	
Silicic acid	0.11	.....	.....	
Ammonia, (N. H. 3.) present as such, and in form of urea	7.84	.....	.....	
Estimated as N. H. 4 0	11.99	.....	.....	1
Potassa	4.79	.....	.....	
Soda	3.60	.....	.....	
Lime as oxalate	9.52	.....	.....	
Do..as phosphate	.....	2.10	.....	
Do..in aqueous solution	.....	.....	0.01	
Magnesia	0.56	.....	.....	
Phosphate of sesquioxide of iron	1.11	.....	.....	
Sand	0.77	.....	.....	

'ollowing table exhibits the constituents in the forms in which they were found in hundred parts.

INSOLUBLE IN WATER AND ACID.

ıble inorganic residue, (sand)	0.77
ɔ acid	0.29
ic acid	0.23
acid	3.87

SOLUBLE IN HYDROCHLORIC ACID.

onia combined with uric acid	0.39
ɔhate of sesquioxide of iron, (2 Fe_2 $0._3$, 3 P. $0._5$,)	1.12
ıte of lime, (Co. 0. $C._2$ $0._3$+Ho.)	24.84
onia phosphate of magnesia, (2 Mgo., N. $H._4$ 0., P. $0._5$+ Ho.)	2.17
ɔhate of lime, (8 Cao., 3 P. $0._5$,)	4.14

SOLUBLE IN WATER.

ıate of potassa	8.85
ıate of soda	4.90
ide of sodium	2.72
ide of ammonium	1.57
ɔhate of ammonia, (3 N. $H._4$ 0, P. $0._5$,)	21.64
ɔnate of ammonia, (N. $H._3$, 2 C. $0._2$, 2 H. 0.)	3.41
r matter, (soluble in alcohol and ether)	1.76
ɔscopic water and water of crystallization	15.09
and undefined nitrogenous animal matter and loss	2.24
Total	100.00

Tabular view exhibiting the relative value of the new variety of Guano as compared with fair samples of well known Guanos in market.

	New variety—Horsford.	Peruvian average of four average samples—Way.	Peruvian average of four average samples—Way.	White Bolivian—Girardin.	Ichaboe—Karsten.	Chilian—Colquhon.	Saldanha bay, average of four samples—Way.	Patagonia—Girardin.
Water	15.09	15.35	13.39	20.30	25.00	22.30	13.07	15.02
Organic substances and ammonical salts	*41.52	43.77	50.46	46.51	49.00	17.04	17.53	11.53
Silica and sand	1.06	1.79	1.28	1.19	.....	.....	.....	.....
Phosphoric acid	13.18	15.03	14.18	.....	1.30	1.40	1.23	02.24
Sulphuric acid	6.73	3.96	3.69	.....	.....	.....	2.48	.....
Carbonic acid	.....	.....	.....	.....	.....	.....	1.64	.....
Chlorine	.....	.....	.....	.....	.....	.....	.65	.....
Lime	11.64	12.09	10.55	.....	.....	.....	.....	.....
Earthy phosphates	.....	.....	.....	30.70	17.50	48.10	57.89	57.00
Excess of lime	.....	.....	.....	.....	.....	.....	1.89	.....
Magnesia	0.57	0.66	0.59	.....	.....	.....	0.51	.....
Oxide of iron	0.47	0.22	0.35	.....	.....	.....	.....	.....
Potassa	4.79	3.08	3.17	1.06	.....	.....	.....	0.58
Soda	2.15	1.87	0.41	.....	.....	.....	3.11	.....
Chloride of sodium	2.73	2.18	1.93	.....	.....	.....	.....	.....
Salts of potassa and soda	.....	.....	.....	0.24	7.20	10.80	.....	13.62
	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

* The difference between the total volatile matter determined for itself, and as here given, is due to the reduction of the sulphuric and phosphoric acids to some extent, and to the expulsion of hydrochloric acid.

Tabular view exhibiting the relative value of the new variety of Guano as compared with fair samples of other well known Guanos, based upon the total nitrogen and ready formed ammonia, (N. H.)

	New variety—Horsford.	Peruvian—Girardin. I.	Peruvian—Girardin. II.	Peruvian—Girardin. III.	White Bolivian—Girardin.	Mixture of white Bolivian and Chilian—Girardin.	Patagonian—I.	Patagonian—II.	Patagonian—III.	A—Girardin.	B—Girardin.	C—Girardin.	D—Girardin.	E*—Girardin.
Nitrogen	12.84	11.30	12.18	13.47	14.58	11.30	1.82	1.82	1.25	2.66	4.48	1.09	4.82	4.12
Ready formed ammonia, (N. H.)	7.84	4.90	8.23	7.04	4.90	2.29	0.18	0.18	trace.	2.30	1.42	0.18	0.76	trace.

* Locality unknown. They, with the others of this series, found in Havre market.

Some samples of Peruvian guano have been analyzed, which yielded but 8.00 per cent. of ammonia, (N. H.) A somewhat noted specimen analyzed by Boussengault and Payen, gave 16.69 per cent. of ammonia, (N. H.) The average is stated to be (of the best samples) from 12 to 16 per cent.

The sample of the *new variety* contains 15.59 per cent., and as the amount of this ingredient has been found to be about in the ratio of the agricultural value of guanos, it will be seen that the *new variety* may be safely said to be on a par with the best average samples of Peruvian, and greatly superior to many varieties in market.

All of which is respectfully submitted,

E. N. HORSFORD,
Rumford Professor, Harvard University.

) CONGRESS, } SENATE. { Ex. Doc.
2d Session. } { No. 32.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

report from the Secretary of the Interior, asking certain appropriations; also suggesting a modification of existing laws, so as the more effectually to enable him to carry into execution the treaties with the different Indian tribes in Kansas Territory.

UARY 30, 1855.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

the Senate and House of Representatives of the United States:

I transmit to Congress, herewith, a communication of this date from Secretary of the Interior, with accompanying papers, and recommend that the appropriations therein asked for be made.

I avail myself of the occasion to suggest a modification of existing ws, with a view to enable me more effectually to carry into execution the treaties with the different Indian tribes in Kansas Territory.

With an earnest desire to promote the early settlement of the ceded ds, as well as those held in trust and to be sold for the benefit of the lians, I shall exercise all the power entrusted to me, to maintain ctly, and in good faith, our treaty obligations.

I respectfully recommend that provision be made by law requiring lands which are to be sold on account of the Indians by the vernment to be appraised and classified; a minimum price to be ed, for a less sum than which no sales shall be made without further vision of law, and authorizing the sale of the lands in such quantis, and at such times and places as the obligations of the government, rights of the Indian tribes, and the public interest, with reference speedy settlement, may render expedient.

FRANKLIN PIERCE.

WASHINGTON, *January* 29, 1855.

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1855.

SIR: I have the honor to transmit to you, herewith, a copy of a mmunication addressed to me on the 24th instant, by the Commis-

sioner of the General Land Office, representing that there will be a large deficiency in the appropriation made by act of 4th August last, to meet the "expenses of the collection of revenue from lands" during the present fiscal year, owing to the "unprecedented increase in the sales of public lands."

To supply this deficiency, I respectfully recommend that Congress be asked to make the following appropriation, to wit:

To meet any deficiency which may arise in the appropriation of the 4th August, 1854, for collecting revenue from the public lands, owing to the great increase in the sales thereof—

For salaries and commissions of registers of land offices and receivers of public moneys	$110,000
For expenses of depositing public moneys by receivers of public moneys	41,000
For incidental expenses of the several land offices	11,000

The Commissioner also suggests, that for similar reasons an increase will probably be required in the appropriations for like objects during the *next* fiscal year. I therefore recommend, in accordance with his suggestion, that the amount asked for in the annual estimates submitted at the commencement of the session for "salaries and commissions," be increased from $253,400 to $318,000, and the sum asked for "expenses of depositing" be increased from $37,650 to $100,000.

I also have the honor to transmit herewith a copy of a letter addressed to me on the 16th instant, by the Commissioner of the General Land Office, asking an increase in the amount heretofore estimated for by him for surveying in Kansas and Nebraska, during the fiscal year ending June 30, 1856, and to recommend that said amount be increased from $60,000 to $107,000. And to enable the President of the United States to carry out in good faith the recent treaties with the Ottoes and Missourias, the Omahas, Delawares, Iowas, Sacs and Foxes of Missouri, the Kickapoos and the united tribes of Kaskaskias and Peorias, Piankeshaws and Weas, Shawnees and Miamies, the Commissioner recommends an appropriation of $20,000 in addition to the appropriations heretofore made for the execution of the various surveys required by those treaties.

This recommendation meets my hearty concurrence, and I therefore commend it to your special and favorable consideration.

I am, sir, with much respect, your obedient servant,

R. McCLELLAND,
Secretary.

To the PRESIDENT.

GENERAL LAND OFFICE, *January* 16, 1855.

SIR: In the estimate from this office for surveying in Kansas and Nebraska during the ensuing fiscal year, which I had the honor to submit to you with my letter of the 4th ultimo, the sum of $60,000 was presented for such object in both of those Territories. That estimate was made in the absence of any advice from the surveyor general on that subject. I learn from a communication received from him, dated

9th instant, that the further sum of $47,000 would be required for the expenses of the service in both Territories during the next fiscal year.

This increase seems to be necessary, in consequence of the field of operations for the ensuing year being larger than had been anticipated at this office in the absence of the surveyor general's report. I therefore have respectfully to request that the additional sum, as aforesaid, may be urged on the consideration of Congress, to cover the deficiency in the existing estimate.

With great respect, your obedient servant,

JOHN WILSON, *Commissioner.*

Hon. R. McCLELLAND,
Secretary of the Interior.

P. S.—From the report of the surveyor general, (copy enclosed,) it will pe perceived that the proposed extension of his field of operations is intended to connect the lines of the public surveys with those of the Indian reservations specified in the several treaties ceding that country, and therefore almost indispensable.

And, with a view to enable the President to execute in good faith the recent treaties with the Ottoes and Missourias, Omahas, Delawares, Ioways, Sacs and Foxes of Missouri, Kickapoos, and the united tribes of Kaskaskias and Peorias, Piankeshaws, and Weas, Shawnees, and Miamies, I would earnestly recommend that an appropriation of $20,000 be asked for, in addition to the appropriations heretofore made for the execution of the various and special surveys required by those several treaties.

With great respect,

JOHN WILSON, *Commissioner.*

WASHINGTON CITY,
January 9, 1855.

SIR: Acting under the discretion given me in your first instructions upon the subject, I examined Kansas and Nebraska with the view to such a location of the guide meridian line as would best avoid the difficulty presented by the Indian reservations, and best subserve the interest of the settlers. After a thorough examination, I concluded to urge upon your consideration the range line between ranges 8 and 9 east, for the reasons that, in its whole extent, it nowhere interfered with Indian lands, and left on its east side, in both Kansas and Nebraska, most of the lands which will be occupied by settlers during the present year. With this view, I had the accompanying map, exhibiting the position and relations of the proposed guide meridian, prepared for your inspection. Your late instructions, directing the location of the guide meridian on the line between ranges 12 and 13 east, is only made applicable to Kansas, and seems to be fixed only with a view to the surveys in that Territory, or south of the base line. As it is presumed to be the design of the department to extend the same line north through Nebraska, I have made the following estimate of the sums re-

quired to carry out what appears to me to be your design in both Territories for the coming year:

For base line, 108 miles, at $12	$1,296
Meridian line, S., 120 miles, at $12	1,440
Meridian line, N., 144 miles, at $12	1,728
Standard lines, S., 282 miles, at $8	2,256
Standard lines, N., 60 miles, at $8	480
Township lines, S., 2,424 miles, at $7	16,968
Township lines, N., 538 miles, at $7	3,766
Subdivisional lines, S., embracing 220 townships, at $300 per township	66,000
Subdivisional lines, N., 56 townships, at $300	16,800
	110,734
Add 5 per cent. for errors in length of lines, meanderings, &c.	5,536
	116,270

This estimate embraces about 12 townships in Pottowatomie lands, which, at $300 per township, would amount to $3,600, and deducted from the above sum, would leave the sum necessary to complete the surveys on this plan of	$112,670
Amount appropriated by last Congress, and unexpected	50,000
Amount necessary to be appropriated	62,670

This plan proposes the survey of 208 townships in Kansas, and but 56 in Nebraska, and the expenditure of $87,397 in Kansas, and but $23,912 in Nebraska. And as this plan contemplates the survey of but a small portion of the lands at present occupied in Nebraska, and, as no lands can be surveyed west of the guide meridian until the principal meridian is established, I most respectfully suggest that the guide meridian be run on the line dividing ranges 8 and 9, as laid down on the map submitted to your inspection, and that an appropriation be asked for sufficient to complete the survey of all lands east of that line, in Nebraska, and all east of the line between ranges 12 and 13 east, and north of the fourth standard line, as before estimated in Kansas.

This plan would require in Kansas, as before estimated	$87,397
Additional standard lines, 96 miles, at $8	768
Total estimate for Kansas	88,165

In Nebraska.

Meridian line, north, 180 miles, at $12	$2,160
Standard lines, 204 miles, at $8	1,632
Township lines, 1,596 miles, at $7	10,172
Subdivisional lines, 161 townships, at $300 per township	48,300
	62,264

Brought forward	$62,264
5 per cent. on this sum, as before	3,113
l estimate for Nebraska	65,377
l estimate for Kansas	88,165
line common to both Territories	1,296
l estimate on this plan	154,838
unt appropriated at late session	50,000
unt necessary to be appropriated	104,838

) complete the surveys east of the principal meridian will require expenditure of a sum in the neighborhood of $300,000; as the s of the country will probably require the survey of all east of rue meridian during this year and the year following, the last esti- will make a very fair division for the two years.

ery respectfully, your obedient servant,

J. CALHOUN,
Surveyor General, Kansas and Nebraska.

on. JOHN WILSON,
Commissioner General Land Office.

GENERAL LAND OFFICE, *January* 24, 1855.

R: I have the honor to state that, from an exhibit of the condition e appropriation of 4th August, 1854, to meet expenses of collecting revenue from sales of public lands for the fiscal year ending 30th , 1855, it is apparent that the estimates of this office will fall far of the amount actually required to meet those expenses.

ne estimate referred to was prepared and submitted in my letter of October, 1853, and was then believed to be sufficient for the pur- s to which it was to beapplied.

ne unprecedented increase of the sales of public lands, however, in the last few months has increased the commissions of the district officers, as well as the expenses of depositing and incidental ex- es, to such on amount as to render absolutely necessary a further opriation by Congress for this purpose.

herefore have the honor to request that the committee of Ways Means of the House and of Finance of the Senate be requested to duce an amendment to the Indian appropriation bill, as follows:

) meet any deficiency which may arise in the appropriation of 4th ist, 1854, for collecting revenue from the public lands, owing to reat increase in the sales thereof:

r salaries and commissions, one hundred and ten thousand dollars;

penses of depositing, forty-one thousand dollars;

idental expenses, eleven thousand dollars; and also, in view of a ar increase, that the items in the estimate submitted 7th October, , be increased as follows, *for the* service of the fiscal year ending June, *1856:*

For salaries and commissions, instead of $253,400, the sum of $318,000 be asked; and for expenses of depositing, instead of $37,650, the sum of $100,000 be requested.

The amount for incidental expenses will be sufficient as it now stands in the last mentioned estimate.

With great respect,

JOHN WILSON, *Commissioner.*

Hon. SECRETARY OF INTERIOR.

3d Congress, 2d Session. | SENATE. | Ex. Doc. No. 33.

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

An abstract of the militia of the several States and Territories, with their arms, accoutrements, and ammunition.

January 31, 1855.—Read, ordered to lie on the table and be printed.

War Department,
Washington, January 30, 1855.

Sir: In compliance with an act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, approved March 2, 1803, I have the honor to lay before Congress an abstract of the returns of the militia of the States and Territories, with their arms, accoutrements, and ammunition, taken from the latest returns that have been received by this department. It will be observed that these returns are not complete.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. Jesse D. Bright,
President pro tempore of the Senate.

Abstract of the general annual returns of the militia of the United States, by States and Territories, according to the act of March, 1803, for the year 1854.

States and Territories.	RETURNS.		INFANTRY.								CAVALRY.							
	For what year received.	Date.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers, including general, division, brigade, &c.	Non-commissioned officers, musicians, privates, &c.	Total.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, musicians, privates, &c.	Total.
Maine	1854	Jan'ry 1, 1855	9	.....	.....	2	17	122	904	1,026	.....	.....	.....	.....	1	4	57	61
New Hampshire	1854	June 14, 1854	4	8	14	.....	.....	1,287	29,969	31,196	.....	.....	.....	.....	.....	.....	304	304
Massachusetts	1854	Dec'r 16, 1854	8	6	9	8	74	584	139,555	140,089	.....	.....	.....	1	5	31	357	388
Vermont	1843	Jan'ry 1, 1844	8	9	28	.....	264	885	19,269	20,154	.....	.....	.....	.....	.....	45	545	590
Rhode Island	1854	Dec'r 25, 1844	.....	.....	.....	.....	.....	55	493	548	.....	.....	.....	.....	.....	5	41	46
Connecticut	1854	Dec'r 22, 1854	.....	2	8	.....	88	199	62,136	62,335	.....	.....	.....	.....	1	4	30	34
New York	1854	Jan'ry 2, 1855	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey	1852	Oct'r 7, 1852	4	.....	.....	.....	.....	.....	.....	81,984	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania	1854	December 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Delaware	1827	.....	1	3	10	.....	.....	371	7,861	8,232	.....	.....	.....	.....	.....	32	234	266
Maryland	1838	Jan'ry 15, 1839	5	16	50	106	480	1,915	40,087	41,952	.....	14	.....	28	60	328	2,266	2,594
Virginia	1854	Dec'r 29, 1854	.....	.....	.....	.....	6	845	124,656	125,501	.....	.....	.....	.....	.....	15	.....	15
North Carolina	1845	Feb'ry 18, 1846	9	19	95	147	812	4,080	72,868	76,948	.....	.....	5	.....	12	63	748	811
South Carolina	1854	Jan'ry 4, 1855	5	15	57	116	468	1,760	25,314	27,074	.....	.....	.....	.....	.....	259	3,234	2,493
Georgia	1850	Feb'ry 18, 1851	18	26	104	206	1,040	4,954	72,254	77,208	.....	.....	.....	.....	.....	44	575	619
Florida	1845	Oct'r 10, 1845	.....	2	18	26	104	528	10,349	10,877	.....	.....	.....	.....	10	40	500	540
Alabama	1851	Nov'r 4, 1851	10	22	100	200	600	2,749	72,600	75,349	.....	.....	.....	.....	.....	80	1,120	1,200
Louisiana	1851	Feb'ry 12, 1852	.....	.....	.....	.....	.....	1,195	50,890	52,085	.....	.....	.....	.....	.....	16	176	192
Mississippi	1838	June 6, 1838	5	10	56	112	.....	810	.....	810	.....	.....	.....	.....	.....	15	.....	15
Tennessee	1840	Feb'ry 18, 1841	4	22	152	.....	.....	3,607	67,645	71,252	.....	.....	.....	.....	.....	.....	.....	.....
Kentucky	1852	Dec'r 25, 1852	14	29	143	286	1,128	4,787	81,583	86,270	.....	.....	.....	.....	11	45	814	859
Ohio	1845	Jan'ry 26, 1846	28	70	7	10	104	707	153,416	154,123	.....	.....	.....	8	24	86	441	4,886	4,927
Michigan	1854	Dec'r 1, 1854	9	21	48	8	520	2,589	87,149	89,738	.....	.....	.....	.....	.....	13	58	697	755
Indiana	1852	Jan'ry 4, 1853	9	22	79	158	784	2,578	46,159	48,782	.....	.....	.....	.....	.....	.....	106	1,681	1,787
Illinois	1851	Dec'r 29, 1851	6	24	100	266	1,064	4,618	165,741	170,359	.....	.....	.....	.....	.....	5	45	50
Wisconsin	1854	Dec'r 26, 1854	.....	.....	.....	.....	.....	1,107	47,752	48,859	.....	.....	.....	.....	.....	4	51	55
Iowa	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri	1854	March 16	.....	.....	.....	.....	.....	60	117,618	117,678	.....	.....	.....	.....	.....	.....	.....	.....
Arkansas	1854	September 25	2	6	47	94	376	1,132	84,932	86,064	.....	.....	.....	.....	.....	.....	.....	.....

Texas	1847	Nov'r 22, 1847	5	10	40	92	312	1,244	18,452	19,696					1	6	60	70
California	1854	Nov'r 20, 1854	4	8				78	208,522	208,600						15		15
Minnesota Territory	1851	Aug. 16, 1851	1	1				7	1,996	2,003								
Oregon Territory																		
Washington Territory																		
Nebraska Territory																		
Kansas Territory																		
Territory of Utah	1853	Oct'r 28, 1853						151	1,593	1,744						127	877	1,004
Territory of New Mexico																		
District of Columbia	1852	Dec'r 24, 1852	1	2	6	12	48	183	7,692	7,875						5		5
Grand aggregate			149	355	1,116	1,841	8,151	45,022	1,769,335	1,896,341		14	8	58	200	1,791	17,804	19,595

Abstract of the general annual returns of the militia of the United States, &c.—Continued.

States and Territories.	RETURNS.		ARTILLERY.								RIFLEMEN.								Aggregate.
	For what year received.	Date.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, musicians, privates, &c.	Total.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, musicians, privates, &c.	Total.	
Maine	1854	Jan'ry 1, 1855	.....	.....	.....	2	9	38	426	464	.....	2	2	.....	31	103	958	1,066	2,617
New Hampshire	1854	June 14, 1854	.....	.....	.....	.....	.....	.....	1,868	1,868	.....	.....	.....	.....	.....	.....	675	675	33,588
Massachusetts	1854	Dec'r 16, 1854	.....	.....	4	.....	23	153	1,898	1,551	.....	.....	.....	2	4	28	213	241	142,269
Vermont	1843	Jan'ry 1, 1844	.....	.....	.....	.....	.....	58	778	836	.....	.....	.....	.....	.....	105	2,240	2,345	23,915
Rhode Island	1854	Dec'r 25, 1844	.....	.....	.....	.....	.....	47	430	477	.....	.....	.....	.....	7	8	72	80	1,151
Connecticut	1854	Dec'r 23, 1854	.....	.....	.....	.....	8	29	284	313	.....	.....	.....	.....	.....	28	278	306	62,988
New York	1854	Jan'ry 2, 1855	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	295,563
New Jersey	1852	Oct'r 7, 1852	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	81,964
Pennsylvania	1854	Dec'r 27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	106,957
Delaware	1827		.....	.....	.....	.....	.....	12	176	188	.....	.....	.....	.....	.....	32	511	543	9,329
Maryland	1838	Jan'ry 15, 1839	.....	1	2	3	33	104	1,536	1,640	.....	.....	2	4	75	50	628	678	46,864
Virginia	1854	Dec'r 29, 1854	.....	.....	.....	.....	.....	15	.....	15	.....	.....	.....	.....	.....	.....	.....	.....	125,581
North Carolina	1845	Feb'ry 18, 1846	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina	1854	Jan'ry 4, 1855	.....	.....	.....	.....	.....	81	1,097	1,178	.....	.....	.....	.....	31	124	1,570	1,694	79,448
Georgia	1850	Feb'ry 18, 1851	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	260	4,120	4,380	85,125
Florida	1845	Oct'r 10, 1845	.....	.....	.....	.....	3	12	153	165	.....	.....	.....	.....	10	52	820	872	78,699
Alabama	1851	Nov'r 4, 1851	.....	.....	.....	.....	.....	3	110	113	.....	.....	.....	.....	.....	40	500	540	12,122
Louisiana	1851	Feb'ry 12, 1852	.....	.....	.....	.....	.....	45	581	626	.....	.....	.....	.....	.....	.....	.....	.....	76,662
Mississippi	1838	June 6, 1838	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18	309	327	53,230
Tennessee	1840	Feb'ry 18, 1841	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	36,184
Kentucky	1852	Dec'r 25, 1852	.....	.....	.....	.....	18	52	975	1,027	.....	.....	.....	.....	9	36	666	702	71,252
Ohio	1845	Jan'ry 26, 1846	.....	.....	1	3	38	121	1,946	2,067	.....	.....	18	15	213	782	14,656	15,438	88,858
Michigan	1854	Dec'r 1, 1854	.....	.....	.....	.....	11	44	554	598	.....	.....	.....	.....	18	72	900	972	176,455
Indiana	1832	Jan'ry 4, 1833	.....	.....	.....	.....	.....	60	620	680	.....	.....	.....	.....	.....	122	2,592	2,714	92,068
Illinois	1851	Dec'r 29, 1851	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	53,918
Wisconsin	1854	Dec'r 26, 1854	.....	.....	.....	.....	10	96	106	.....	.....	.....	.....	.....	.....	90	236	246	170,859
Iowa	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	49,261
Missouri	1854	March 16	.....	.....	.....	.....	4	45	49	.....	.....	.....	.....	.....	.....	90	269	259	118,036
Arkansas	1854	Sept'r 26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	86,004

Texas	1847	Nov'r 22, 1847	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	19,766
California	1854	Nov'r 20, 1854	.....	.....	.....	.....	.....	15	.....	15	.....	.....	.....	.....	.....	15	.....	15	208,645
Minnesota Territory	1851	Aug. 16, 1851	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,008
Oregon Territory	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington Territory	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nebraska Territory	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas Territory	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Territory of Utah	1858	Oct'r 26, 1858	.....	.....	.....	.....	.....	7	66	73	.....	.....	.....	.....	.....	.....	.....	.....	2,621
Territory of New Mexico	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
District of Columbia	1852	Dec'r 24, 1852	.....	.....	.....	.....	.....	5	.....	5	.....	.....	.....	.....	.....	33	283	316	8,901
Grand aggregate	.....	.....	.....	1	7	8	188	910	12,629	13,539	.....	2	22	21	398	1,953	89,456	84,409	2,401,663

Abstract of the annual returns of arms, accoutrements, and ammunition of the militia of the United States for the year 1854.

States and Territories.	ORDNANCE AND ORDNANCE STORES.																									
	BRASS.												IRON.													
	32-pounders.	24-pounders.	12-pounders.	9-pounders.	6-pounders.	4-pounders.	3-pounders.	2-pounders.	Howitzers.	Eprouvettes.	Cannon.	Mortars.	42-pounders.	32-pounders.	24-pounders.	18-pounders	12-pounders.	9-pounders.	6-pounders.	4-pounders.	3-pounders.	Pounders.	Swivels.	Howitzers.	Cannon and mortars.	Eprouvettes.
Maine	.....	.....	2	.....	38	2	4	....	2	8	....	....	1	4	22	7	11	2	12	4	1	.....	.....	1	....	....
New Hampshire	.....	.....	.....	.....	20	21	.....	.....	.....	.....	.....	.....	....	11	3	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	.....
Massachusetts	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18	.....	.....	.....	.....
Rhode Island	.....	.....	.....	.....	8	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....
Connecticut	.....	.....	2	.....	36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	2	4	.....	.....	.....	.....	8	.....	.....
New York	.....	57	22	32	204	6	45	1	12	.....	.....	1	....	1	27	4	4	8	178	.....	.....	.....	.....	.....	.....	.....
New Jersey	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	23	6	1	.....	3	.....	.....	.....
Pennsylvania*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Delaware	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Maryland*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia	6	.....	.....	.....	41	2	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	36	.....	121	87	.....	.....	.....	.....	.....	.....
North Carolina	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina	.....	.....	.....	.....	8	7	.....	4	.....	.....	.....	.....	.....	.....	.....	6	.....	.....	14	.....	.....	.....	.....	.....	.....	.....
Georgia	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Florida*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alabama	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Louisiana	.....	.....	2	7	11	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Kentucky	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....
Ohio	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	36	.....	.....	.....	.....	.....
Michigan	.....	.....	.....	.....	23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Indiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....
Illinois*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[illegible]					[illegible]														1							
Iowa *																										
Missouri					6																					
Arkansas			1																							
Texas *																										
California *																										
Minnesota Territory *																										
Oregon Territory *																										
Washington Territory *																										
Nebraska Territory *																										
Kansas Territory *																										
Territory of Utah									1																	
Ter. of New Mexico *																										
District of Columbia																										
Grand aggregate	6	57	29	89	427	48	49	5	17	8	....	8	1	16	59	17	63	12	385	48	88	18	8	4	....	....

* No return of arms, &c., from these States.

Abstract of the annual returns of arms, accoutrements, and ammunition of the militia, &c.—Continued.

States and Territories.	ORDNANCE AND ORDNANCE STORES.																					
	Sponges and rammers.	Ladles and worms.	Ball screws and worms.	Bricoles and drag-ropes.	Trail handspikes.	Lead aprons.	Ammunition boxes.	Tumbrils or powder carts.	Sets of harness.	Rounds of shot and shells.	Pounds of cannon powder.	Gun carriages.	Caissons.	Tube boxes.	Lintocks.	Muskets.	Musketoons.	Bayonets.	Cartridge boxes and belts.	Bayonets, scabbards, and belts.	Brushes and picks.	Spare flints.
Maine	203	174	.....	662	183	86	88	15	42	15,246	.....	.....	.....	.....	.....	10,888	100	10,861	7,192	3,515	1,754	12
New Hampshire	57	50	.....	93	64	44	82	.....	48	.....	.....	.....	.....	49	41	6,951	.....	6,951	100	100	100	6,000
Massachusetts	14	6	.....	.....	12	8	.....	.....	24	.....	601	.....	6	.....	.....	5,128	.....	5,128	5,128	5,128	.....	.....
Vermont	13	18	.....	6	14	8	20	2	7	.....	.....	.....	.....	.....	.....	9,558	.....	9,382	9,138	8,972	8,794	16,889
Rhode Island	16	16	.....	16	27	16	16	10	16	.....	.....	.....	.....	.....	.....	890	.....	890	920	920	920	972
Connecticut	89	88	1,780	47	74	2	15	.....	5	5,957	54	.....	.....	.....	.....	2,569	.....	2,569	1,414	1,194	774	8,082
New York	.....	.....	.....	.....	.....	.....	.....	.....	492	6,101	.....	.....	.....	.....	.....	49,728	.....	.....	29,506	.....	.....	.....
New Jersey	33	.....	.....	59	22	.....	.....	24	.....	.....	.....	.....	.....	.....	.....	12,986	.....	2,982	1,060	2,982	.....	.....
Pennsylvania*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Delaware	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	840	.....	818	884	.....	.....	.....
Maryland*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia	21	18	3,946	11	24	15	.....	.....	1	.....	.....	21	6	.....	11	55,445	.....	55,445	2,508	646	188	.....
North Carolina	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9,902	.....	6,892	5,045	3,700	2,151	.....
South Carolina	20	5	.....	18	17	1	25	.....	9	.....	.....	.....	.....	.....	.....	1,499	.....	1,332	562	314	31	.....
Georgia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,781	.....	3,304	3,089	2,595	727	3,000
Florida*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alabama	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30,000	.....	.....	.....	.....	.....	.....
Louisiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	856	.....	.....	.....	.....	.....	.....
Mississippi*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9,822	.....	1,622	1,691	1,712	1,966	5,000
Kentucky	9	9	.....	18	18	9	9	.....	9	.....	.....	.....	.....	.....	.....	4,756	.....	4,756	4,756	4,756	.....	221
Ohio	30	30	.....	69	51	16	32	3	5	.....	3	.....	.....	.....	.....	6,851	.....	6,462	4,467	3,882	682	280
Michigan	46	28	.....	.....	46	28	28	.....	8	.....	.....	.....	12	.....	.....	2,019	.....	658	1,715	1,414	1,064	80,260
Indiana	8	.....	.....	18	10	10	7	.....	3	.....	.....	.....	.....	.....	.....	577	.....	239	149	15	.....	10,000
Illinois*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Iowa*																						
Missouri	12	6			12		6		12							965		965	965	965		
Arkansas																50						
Texas*																						
California*																						
Minnesota Territory*																						
Oregon Territory*																						
Washington Territory*																						
Nebraska Territory*																						
Kansas Territory*																						
Territory of Utah	2						2	2	1													
Ter'y of New Mexico*																						
District of Columbia																150		150	608	158	158	
Grand aggregate	588	888	5,676	1,028	536	184	278	56	684	27,304	658	21	24	49	52	225,108	100	122,796	80,757	42,298	19,629	75,656

* No returns of arms, &c., from these States.

† Boxes.

Abstract of the annual returns of arms, accoutrements, and ammunition of the militia, &c.—Continued.

States and Territories.	ORDNANCE AND ORDNANCE STORES.																							
	Ball cartridges.	Carlines.	Rifles.	Fuses.	Cap pouches.	Powder horns.	Pouches.	Bullet moulds.	Screw-drivers and wipers.	Gun slings.	Loose balls.	Pounds of rifle powder.	Swords.	Sword scabbards and belts.	Cavalry and artillery swords.	Horseman's pistols.	Holsters.	Knapsacks.	Haversacks.	Tents.	Drums.	Fifes.	Bugles and trumpets.	Colors.
Maine	†71	62	3,808	....	2,817	2,686	2,317	.....	.....	.....	91,800	.....	631	631	.....	346	.....	.....	61	332	76	69	....	....
New Hampshire	.....	.....	1,846	....	.....	.....	.....	.....	.....	.....	.....	.....	50	50	.....	340	.....	.....	.....	....	467	410	....	....
Massachusetts	14,711	.....	205	....	.....	.....	205	.....	.....	.....	280	120	483	483	.....	752	....	810	12	....	70	62	21	....
Vermont	.....	.....	174	....	.....	1,753	1,595	.....	.....	.....	.....	.....	771	771	.....	447	....	8,877	.....	.....	.....	.....	.....	....
Rhode Island	2,780	.....	72	....	.....	72	72	.....	.....	.....	.....	.....	286	286	.....	12	.....	.....	.....	.....	.....	.....	.....	....
Connecticut	6,000	.....	1,454	....	.....	48	.....	.....	.....	.....	68	28	988	988	.....	560	....	58	.....	.....	62	32	19	....
New York	.....	.....	900	....	.....	.....	.....	.....	.....	.....	.....	.....	3,600	.....	.....	3,674	.....	.....	.....	.....	.....	.....	.....	....
New Jersey	.....	.....	764	....	.....	117	94	.....	.....	.....	.....	.....	2,330	2,389	.....	1,809	....	.....	.....	....	387	349	51	....
Pennsylvania*	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....
Delaware	.....	.....	79	....	.....	.....	.....	.....	.....	.....	.....	.....	374	.....	.....	164	.....	.....	.....	.....	.....	.....	.....	....
Maryland*	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....
Virginia	.....	694	3,592	....	.....	597	777	496	7,284	.....	.....	.....	.....	2,024	2,871	668	546	.....	.....	.....	.....	.....	.....	....
North Carolina	.....	.....	16,072	....	.....	.....	.....	.....	.....	.....	.....	.....	2,940	2,500	.....	2,751	....	.....	.....	.....	840	760	62	....
South Carolina	.....	.....	182	....	.....	256	205	.....	.....	.....	.....	.....	1,373	1,042	.....	227	....	.....	.....	....	43	23	5	....
Georgia	10,086	.....	1,782	....	.....	.....	123	.....	.....	.....	.....	3,000	900	920	.....	850	....	187	.....	.....	.....	.....	.....	....
Florida*	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....
Alabama	.....	.....	20,000	....	.....	.....	.....	.....	.....	.....	.....	.....	100	.....	.....	.....	.....	.....	.....	.....	100	100	.....	....
Louisiana	.....	.....	880	....	.....	.....	.....	.....	.....	.....	.....	.....	540	.....	.....	250	.....	.....	.....	.....	.....	.....	.....	....
Mississippi*	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....
Tennessee	Kegs 35	.....	18,965	....	.....	14,715	.....	.....	.....	.....	.....	208	1,781	1,783	.....	1,068	....	.....	.....	.....	455	279	.....	....
Kentucky	.....	.....	2,077	....	.....	1,727	1,736	.....	.....	.....	6,158	237	788	783	.....	1,428	....	.....	.....	.....	47	43	.....	....
Ohio	70	.....	4,040	....	.....	1,881	1,881	.....	.....	.....	2,719	59	2,698	2,275	.....	3,692	....	250	51	....	142	84	27	....
Michigan	.....	.....	290	....	.....	290	290	.....	.....	.....	.....	.....	40	818	894	657	.....	.....	.....	.....	.....	.....	.....	....
Indiana	.....	.....	8,200	....	.....	6,500	.....	.....	.....	.....	48,000	1,200	780	780	.....	350	....	.....	.....	.....	288	400	20	....
Illinois*	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....

Wisconsin			[illegible]			[illegible]	[illegible]						[illegible]	[illegible]		[illegible]								
Iowa*																								
Missouri			5,025			3,561	3,561						510	222		890			12		52	51		
Arkansas																								
Texas*																								
California*																								
Minnesota Territory*																								
Oregon Territory*																								
Washington Territory*																								
Nebraska Territory*																								
Kansas Territory*																								
Territory of Utah																								
Ter'y of New Mexico*																								
District of Columbia			225		158	225	225			851			24											
Grand aggregate	33,703	756	90,602		2,975	34,408	13,061	496	7,284	851	149,020	4,852	21,996	18,730	8,765	20,519	546	10,132	186	332	3,030	2,662	205	

* No returns of arms, &c., from these States. † Cases. ‡ Fusees included. § Flasks.

S. COOPER, *Adjutant General.*

WAR DEPARTMENT, *Adjutant General's Office, Washington, January* 27, 1855.

33D CONGRESS, 2d Session. } SENATE. { Ex. Doc. No. 34.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the Secretary of the Navy, in compliance with a resolution of the Senate of December 6, 1854, calling for correspondence, &c., relative to the naval expedition to Japan.

JANUARY 31, 1855.—Read and referred to the Committee on Foreign Relations.
FEBRUARY 2, 1855.—Ordered to be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th of December last, requesting the President "to communicate to the Senate, if in his opinion not incompatible with the public interest, the instructions, correspondence, and other documents relating to the naval expedition to Japan, and the proceedings and negotiations resulting in a treaty with the government thereof," I transmit the enclosed report from the Secretary of the Navy, with the accompanying documents.

FRANKLIN PIERCE.

WASHINGTON, *January* 30, 1855.

NAVY DEPARTMENT,
January 29, 1855.

The Secretary of the Navy, to whom was referred the resolution of the Senate of the 6th December last, requesting the President "to communicate to the Senate, if in his opinion not incompatible with the public interest, the instructions, correspondence, and other documents relating to the naval expedition to Japan, and the proceedings and negotiations resulting in a treaty with the government thereof," has the honor to lay before the President the accompanying copies of papers embracing the instructions, &c., called for by the resolution.

J. C. DOBBIN.

To the PRESIDENT OF THE UNITED STATES.

Secretary of the Navy to Commodore Perry.

UNITED STATES NAVY DEPARTMENT,
Washington, November 13, 1852.

SIR: So soon as the steam frigate Mississippi shall be in all respects ready for sea, you will proceed in her, accompanied by the steamer Princeton, to Macao, or Hong Kong, in China, where the vessels of your command will rendezvous. You will touch at such ports on your passage out as you may deem necessary for supplies, &c.

It has been deemed necessary to increase the naval force of the United States in the East India and China seas, for reasons which will be found in the enclosed copy of a communication from the Secretary of State addressed to this department under date of November, 1852.

The force at present there consists of the steam frigate Susquehanna, Commander Buchanan, sloop Plymouth, Commander Kelly, and sloop Saratoga, Commander Walker. The store ship Supply, Lieutenant Commanding Sinclair, is on her passage to that station. There will be added to this force, at the earliest day practicable, the ship-of-the-line Vermont, Captain Paulding; the steam frigate Mississippi, Captain McCluney; the corvette Macedonian, Captain Abbot; the steamer Princeton, Commander Lee; the steamer Alleghany, Commander Sands; the sloop Vandalia, Commander Pope; and the store-ship Southampton, Lieutenant Commanding Boyle.

With this you will receive a copy of the general instructions given to Commodore John H. Aulick, recently in command of the East India squadron, which you will consider as in full force and applicable to your command. You will also receive herewith copies of other orders addressed to Commodore Aulick, which may require your attention after you reach your station.

The special mission to Japan with which you have been charged by the government will require all your firmness and prudence, in respect to which the department entertains the fullest confidence that they will be adequate for any emergency.

In prosecuting the object of your mission to Japan you are invested with large discretionary powers, and you are authorized to employ dispatch vessels, interpreters, Kroomen or natives, and all other means which you may deem necessary to enable you to bring about the desired results. The suggestions contained in the accompanying letter from the Secretary of State to this department you will consider as your guide, and follow as the instructions of the government. You will confer with the commissioner of the United States to China as to the course most advisable for you to pursue to give weight to his demands upon the Chinese government for the settlement of claims of citizens of the United States against that government.

Your attention is particularly invited to the exploration of the coasts of Japan and of the adjacent continent and islands. You will cause linear or perspective views to be made of remarkable places, soundings to be taken at the entrances of harbors, rivers, &c., in and near shoals, and collect all the hydrographical information necessary for the construction of charts. You will be careful to collect from every reliable source, and particularly from our consular or commercial agents, all the information you can of the social, political, and commercial condi-

tion of the countries and places you may visit, especially of new objects of commercial pursuits. To these ends you will call into activity all the various talents and acquisitions of the officers under your command. The results of such labors and of all such researches you will communicate to the department as often and as complete as practicable.

What events will transpire during your absence time alone can develope. The utmost caution and vigilance are enjoined upon all under your command.

The act of March 2, 1837, "To provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen," section 2 provides, "That when the time of service of any person enlisted for the navy shall expire while he is on board any of the public vessels of the United States employed on foreign service, it shall be the duty of the commanding officer of the fleet, squadron, or vessel, in which such person may be, to send him to the United States in some public or other vessel, unless his detention shall be essential to the public interests, in which case the said officer may detain him until the vessel in which he shall be serving shall return to the United States," &c.; and section 3 of the same act provides, "That such persons as may be detained after the expiration of their enlistment, under the next preceding section of this act, shall be subject in all respects to the laws and regulations for the government of the navy, until their return to the United States; and all such persons as shall be so detained, and all such as shall voluntarily re-enlist, to serve until the return of the vessel in which they shall be serving, and their regular discharge therefrom in the United States, shall, while so detained, and while so serving under their re-enlistment, receive an addition of one-fourth to their former pay." You will, therefore, should it be essential to the public interests, exercise the power conferred by the act above cited; or should it be found practicable, by new enlistments on the coasts you may visit, to keep up the complements of your vessels, you will send to the United States all persons whose times of service may expire during your cruise. You will, however, in all such cases, be governed by the exigencies of the service.

A subject of great importance to the success of the expedition will present itself to your mind, in relation to communications to the prints and newspapers, touching the movements of your squadron, as well as in relation to all matters connected with the discipline and internal regulations of the vessels composing it. You will, therefore, enjoin upon all under your command to abstain from writing to friends or others upon those subjects. The journals and private notes of the officers and other persons in the expedition must be considered as belonging to the government, until permission shall be received from the Navy Department to publish them.

For any supplies that you may need you will address yourself seasonably to the chief of the appropriate bureau, or take such measures to procure them as will best subserve the objects of your cruise.

Before sailing, you will cause to be sent to the department correct muster-rolls of both vessels, conformably to the 29th article of the act for the better government of the navy of the United States, approved April 23, 1800.

Tendering my best wishes for a successful cruise, and a safe return to your country and friends, for yourself, officers, and the companies of your ships, I am, very respectfully, your obedient servant.

JOHN P. KENNEDY.

Commodore M. C. PERRY,
Appointed to command of the U. S. squadron in the East India and China seas, Norfolk, Va.

Mr. Conrad to Mr. Kennedy.

DEPARTMENT OF STATE,
Washington, November 5, 1852.

SIR: As the squadron destined for Japan will shortly be prepared to sail, I am directed by the President to explain the objects of the expedition, and to give some general directions as to the mode by which those objects are to be accomplished.

Since the islands of Japan were first visited by European nations, efforts have constantly been made by the various maritime powers to establish commercial intercourse with a country whose large population and reputed wealth hold out great temptations to mercantile enterprise. Portugal was the first to make the attempt, and her example was followed by Holland, England, Spain, and Russia; and finally by the United States. All these attempts, however, have thus far been unsuccessful; the permission enjoyed for a short period by the Portuguese to trade with the islands, and that granted to Holland to send annually a single vessel to the port of Nangasaki, hardly deserving to be considered exceptions to this remark.

China is the only country which carries on any considerable trade with these islands.

So rigorously is this system of exclusion carried out, that foreign vessels are not permitted to enter their ports in distress, or even to do an act of kindness to their own people. In 1831, a Japanese junk was blown out to sea, and, after drifting about for several months, was cast ashore near the mouth of the Columbia river, in Oregon. An American ship, the Morrison, undertook to carry the survivors of the crew back to their country, but, on reaching the bay of Yedo, she was fired into from the neighboring shore. She repaired to another part of the island and attempted to land, but meeting with the same reception there, she returned to America with the Japanese on board.

When vessels are wrecked or driven ashore on the islands their crews are subjected to the most cruel treatment. Two instances of this have recently occurred. In the year 1846, two American whaling ships, the Lagoda and the Lawrence, having been wrecked on the island of Niphon, their crews were captured and treated with great barbarity, and it is believed that their lives were spared only through the intercession of the Dutch governor of Nangasaki.—(See Senate Doc. No. 59, 1st session 32d Congress, a copy of which is herewith enclosed.)

Every nation has undoubtedly the right to determine for itself the extent to which it will hold intercourse with other nations. The same law of nations, however, which protects a nation in the exercise of this right imposes upon her certain duties which she cannot justly disregard. Among these duties none is more imperative than that which requires her to succor and relieve those persons who are cast by the perils of the ocean upon her shores. This duty is, it is true, among those that are denominated by writers on public law imperfect, and which confer no right on other nations to exact their performance; nevertheless, if a nation not only habitually and systematically disregards it, but treats such unfortunate persons as if they were the most atrocious criminals, such nations may justly be considered as the common enemy of mankind.

That the civilized nations of the world should for ages have submitted to such treatment by a weak and semi-barbarous people, can only be accounted for on the supposition that, from the remoteness of the country, instances of such treatment were of rare occurrence, and the difficulty of chastising it very great. It can hardly be doubted that if Japan were situated as near the continent of Europe or of America as it is to that of Asia, its government would long since have been either treated as barbarians, or been compelled to respect those usages of civilized states of which it receives the protection.

This government has made two attempts to establish commercial intercourse with Japan. In the year 1832, a Mr. Roberts was appointed a special agent of the government, with authority to negotiate treaties with sundry nations in the east, and among others with Japan, but he died before he arrived at the island.

In 1845, Commodore Biddle was sent with two vessels of war to visit Japan and ascertain whether its ports were accessible. He was cautioned, however, "not to excite a hostile feeling, or a distrust of the government of the United States."

He proceeded to Yedo, but was told that the Japanese could trade with no foreign nations except the Dutch and Chinese, and was peremptorily ordered to leave the island and never to return to it. A personal indignity was even offered to Commodore Biddle, and it is not improbable that the barbarity which a short time afterwards was practised by these people towards the crew of the Lagoda, may have been in part occasioned by the forbearance which that excellent officer felt himself bound under his instructions to exercise towards them.—(See the document above mentioned, page 64.)

Recent events—the navigation of the ocean by steam, the acquisition and rapid settlement by this country of a vast territory on the Pacific, the discovery of gold in that region, the rapid communication established across the isthmus which separates the two oceans—have practically brought the countries of the east in closer proximity to our own; although the consequences of these events have scarcely begun to be felt, the intercourse between them has already greatly increased, and no limits can be assigned to its future extension.

The duty of protecting those American citizens who navigate those seas is one that can no longer be deferred. In the year 1851, instructions were accordingly given to Commodore Aulick, then commanding

our naval forces in the East Indies, to open a negotiation with the government of Japan. It is believed that nothing has been done under these instructions, and the powers conferred on Commodore Aulick are considered as superseded by those now given to Commodore Perry.

The objects sought by this government are—

1. To effect some permanent arrangement for the protection of American seamen and property wrecked on these islands, or driven into their ports by stress of weather.

2. The permission to American vessels to enter one or more of their ports in order to obtain supplies of provisions, water, fuel, &c., or, in case of disasters, to refit so as to enable them to prosecute their voyage.

It is very desirable to have permission to establish a depot for coal, if not on one of the principal islands, at least on some small uninhabited one, of which, it is said, there are several in their vicinity.

3. The permission to our vessels to enter one or more of their ports for the purpose of disposing of their cargoes by sale or barter.

As this government has no right to make treaties for, or to redress the grievances of, other nations, whatever concessions may be obtained on either of the above points, need not, of course, apply in terms to the inhabitants or vessels of any other nation. This government, however, does not seek by this expedition to obtain any exclusive commercial advantage for itself, but, on the contrary, desires and expects that whatever benefits may result from it will ultimately be shared by the civilized world. As there can be no doubt that if the ports of the country are once opened to one nation they would soon be opened to all. It is believed, that for reasons hereinafter mentioned, any reference in your negotiations to the wrongs or claims of other nations, so far from promoting this object, would tend to defeat it.

The next question is, how are the above mentioned objects to be attained?

It is manifest, from past experience, that arguments or persuasion addressed to this people, unless they be seconded by some imposing manifestation of power, will be utterly unavailing.

You will, therefore, be pleased to direct the commander of the squadron to proceed, with his whole force, to such point on the coast of Japan as he may deem most advisable, and there endeavor to open a communication with the government, and, if possible, to see the emperor in person, and deliver to him the letter of introduction from the President with which he is charged. He will state that he has been sent across the ocean by the President to deliver that letter to the emperor, and to communicate with his government on matters of importance to the two countries. That the President entertains the most friendly feeling towards Japan, but has been surprised and grieved to learn, that when any of the people of the United States go, of their own accord, or are thrown by the perils of the sea within the dominions of the emperor, they are treated as if they were his worst enemies. He will refer particularly to the cases of the ships Morrison, Lagoda, and Lawrence, above mentioned.

He will inform him of the usages of this country, and of all Christian

countries, in regard to shipwrecked persons and vessels, and will refer to the case of the Japanese subjects who were recently picked up at sea in distress and carried to California, from whence they have been sent to their own country; and will state that this government desires to obtain from that of Japan some positive assurance, that persons who may hereafter be shipwrecked on the coast of Japan, or driven by stress of weather into her ports, shall be treated with humanity; and to make arrangements for a more extended commercial intercourse between the two countries. The establishment of this intercourse will be found a difficult, but, perhaps, not an impossible task.

The deep-seated aversion of this people to hold intercourse with Christian nations is said to be owing chiefly to the indiscreet zeal with which the early missionaries, particularly those of Portugal, endeavored to propagate their religion. The commodore will therefore say, that the government of this country, unlike those of every other Christian country, does not interfere with the religion of its own people, much less with that of other nations. It seems that the fears or the prejudices of the Japanese are very much excited against the English, of whose conquests in the east, and recent invasion of China, they have probably heard. As the Americans speak the same language as the English, it is natural that they should confound citizens of the United States with British subjects. Indeed, their barbarous treatment of the crews of the vessels above referred to was partly occasioned by the suspicion that they were really English.—(See the statement of the crew of the Lagoda.)

Commodore Perry will, therefore, explain to them that the United States are connected with no government in Europe. That they inhabit a great country which lies directly between them and Europe, and which was discovered by the nations of Europe about the same time that Japan herself was first visited by them; that the portion of this continent lying nearest to Europe was first settled by emigrants from that country, but that its population has rapidly spread through the country until it has reached the Pacific ocean. That we have now large cities from which, with the aid of steam, Japan can be reached in twenty days. That our commerce with all that portion of the globe is, therefore, rapidly increasing, and that part of the ocean will soon be covered with our vessels. That, therefore, as the United States and Japan are becoming every day nearer and nearer to each other, the President desires to live in peace and friendship with the emperor; but that no friendship can long exist between them unless Japan should change her policy and cease to act towards the people of this country as if they were her enemies. That, however wise this policy may originally have been, it is unwise and impracticable now that intercourse between the two countries is so much more easy and rapid than it formerly was.

If, after having exhausted every argument and every means of persuasion, the commodore should fail to obtain from the government any relaxation of their system of exclusion, or even any assurance of humane treatment of our shipwrecked seamen, he will then change his tone, and inform them in the most unequivocal terms that it is the determination of *this government* to insist, that hereafter all citizens or vessels

of the United States that may be wrecked on their coasts, or driven by stress of weather into their harbors shall, so long as they are compelled to remain there, be treated with humanity; and that if any acts of cruelty should hereafter be practised upon citizens of this country, whether by the government or by the inhabitants of Japan, they will be severely chastised. In case he should succeed in obtaining concessions on any of the points above mentioned, it is desirable that they should be reduced into the form of a treaty, for negotiating which he will be furnished with the requisite powers.

He will also be furnished with copies of the treaties made by this government with China, Siam, and Muscat, which may serve him as precedents in drawing up any treaty he may be able to make. It would be well to have one or more of these translated into the Japanese tongue, which, it is presumed, can be done in China.

He will bear in mind that, as the President has no power to declare war, his mission is necessarily of a pacific character, and will not resort to force unless in self defence in the protection of the vessels and crews under his command, or to resent an act of personal violence offered to himself, or to one of his officers.

In his intercourse with this people, who are said to be proud and vindictive in their character, he should be courteous and conciliatory, but at the same time, firm and decided. He will, therefore, submit with patience and forbearance to acts of discourtesy to which he may be subjected, by a people to whose usages it will not do to test by our standard of propriety, but, at the same time, will be careful to do nothing that may compromit, in their eyes, his own dignity, or that of the country. He will, on the contrary, do everything to impress them with a just sense of the power and greatness of this country, and to satisfy them that its past forbearance has been the result, not of timidity, but of a desire to be on friendly terms with them.

It is impossible by any instructions, however minute, to provide for every contingency that may arise in the prosecution of a mission of so peculiar and novel a character. For this reason, as well as on account of the remoteness of the scene of his operation, it is proper that the commodore should be invested with large discretionary powers, and should feel assured that any departure from usage, or any error of judgment he may commit will be viewed with indulgence.

The government of Holland has communicated to this government that instructions had been given to the superintendent of their factory at Dezima to promote, by every means in his power, the success of the expedition; and the kindness that has heretofore been shown by that officer towards our countrymen in captivity leaves no room for doubt that he will cheerfully fulfil these instructions.

The commissioner of the United States to China has been directed to prefer certain claims of citizens of the United States against that government. As the presence of the squadron might give some additional weight to the demand, you will please direct its commander (if he finds he can do so without serious delay or inconvenience) to touch at Hong-Kong or Macao and remain there as long as he may deem it advisable.

If the squadron should be able, without interfering with the main

ect for which it is sent, to explore the coasts of Japan and of the
acent continent and islands, such an exploration would not only
l to our stock of geographical knowledge, but might be the means
extending our commercial relations and of securing ports of refuge
l supply for our whaling vessels in those remote seas. With this
w he will be provided with powers authorizing him to negotiate
ıties of amity and navigation with any and all established and inde-
dent sovereignties in those regions.
n the event of such a voyage, he will inform himself, as far as prac-
.ble, of the population, resources, and natural productions of the
ntry, and procure and preserve specimens of the latter, and the
ds of such plants as may be peculiar to the country.
He will be authorized by this department to draw on the Messrs.
ing Brothers & Co., of London, to a limited amount for the payment
guides, interpreters, messengers, &c., and of other expenses incident
is mission; as also for the purchase of such presents as it may be
med advisable to make to promote the objects of his mission.
have the honor to be, very respectfully, your obedient servant,

C. M. CONRAD,
Acting Secretary.

Hon. J. P. KENNEDY,
Secretary of the Navy.

The President of the United States to the Emperor of Japan.

ILLARD FILLMORE, PRESIDENT OF THE UNITED STATES OF AMERICA, TO HIS IMPERIAL MAJESTY, THE EMPEROR OF JAPAN.

at and Good Friend:
send you this public letter by Commodore Matthew C. Perry, an
er of the highest rank in the navy of the United States and comman-
of the squadron now visiting your imperial majesty's dominions.
have directed Commodore Perry to assure your imperial majesty
. I entertain the kindest feelings toward your majesty's person and
ernment, and that I have no other object in sending him to Japan
to propose to your imperial majesty that the United States and Japan
ıld live in friendship and have commercial intercourse with each
r.
The Constitution and laws of the United States forbid all interference
ı the religious or political concerns of other nations. I have par-
larly charged Commodore Perry to abstain from every act which
ld possibly disturb the tranquillity of your imperial majesty's do-
ions.
The United States of America reach from ocean to ocean, and our
ritory of Oregon and State of California lie directly opposite to the
ıinions of your imperial majesty. Our steamships can go from
ifornia to Japan in eighteen days.
Our great State of California produces about sixty millions of dol-
in gold every year, besides silver, quicksilver, precious stones,
many other valuable articles. Japan is also a rich and fertile

country, and produces many very valuable articles. Your imperial majesty's subjects are skilled in many of the arts. I am desirous that our two countries should trade with each other, for the benefit both of Japan and the United States.

We know that the ancient laws of your imperial majesty's government do not allow of foreign trade except with the Chinese and the Dutch; but as the state of the world changes and new governments are formed, it seems to be wise, from time to time, to make new laws. There was a time when the ancient laws of your imperial majesty's government were first made.

About the same time America, which is sometimes called the New World, was first discovered and settled by the Europeans. For a long time there were but a few people, and they were poor. They have now become quite numerous; their commerce is very extensive; and they think that if your imperial majesty were so far to change the ancient laws as to allow a free trade between the two countries, it would be extremely beneficial to both.

If your imperial majesty is not satisfied that it would be safe altogether to abrogate the ancient laws which forbid foreign trade, they might be suspended for five or ten years, so as to try the experiment. If it does not prove as beneficial as was hoped the ancient laws can be restored. The United States often limit their treaties with foreign States to a few years, and then renew them or not, as they please.

I have directed Commodore Perry to mention another thing to your imperial majesty. Many of our ships pass every year from California to China; and great numbers of our people pursue the whale fishery near the shores of Japan. It sometimes happens, in stormy weather, that one of our ships is wrecked on your imperial majesty's shores. In all such cases we ask, and expect, that our unfortunate people should be treated with kindness, and that their property should be protected, till we can send a vessel and bring them away. We are very much in earnest in this.

Commodore Perry is also directed by me to represent to your imperial majesty that we understand there is a great abundance of coal and provisions in the empire of Japan. Our steamships, in crossing the great ocean, burn a great deal of coal, and it is not convenient to bring it all the way from America. We wish that our steamships and other vessels should be allowed to stop in Japan and supply themselves with coal, provisions, and water. They will pay for them in money, or anything else your imperial majesty's subjects may prefer; and we request your imperial majesty to appoint a convenient port, in the southern part of the empire, where our vessels may stop for this purpose. We are very desirous of this.

These are the only objects for which I have sent Commodore Perry, with a powerful squadron, to pay a visit to your imperial majesty's renowned city of Yeddo: friendship, commerce, a supply of coal and provisions, and protection for our shipwrecked people.

We have directed Commodore Perry to beg your imperial majesty's acceptance of a few presents. They are of no great value in themselves; but some of them may serve as specimens of the articles man-

factured in the United States, and they are intended as tokens of our incere and respectful friendship.

May the Almighty have your imperial majesty in His great and holy eeping!

In witness whereof, I have caused the great seal of the United States) be hereunto affixed, and have subscribed the same with my name, t the city of Washington, in America, the seat of my government, on ıe thirteenth day of the month of November, in the year one thousand ight hundred and fifty-two.

Seal attached.] Your good friend,

MILLARD FILLMORE.

By the President:

EDWARD EVERETT,
Secretary of State.

Commodore Perry to the Secretary of the Navy.

UNITED STATES STEAM FRIGATE MISSISSIPPI,
Madeira, December 13, 1852.

SIR: I deem it my duty to bring to the notice of the department an ct of distinguished courtesy conferred upon me, at the instance of Vice Admiral Sir George Seymour, by the lords commissioners of her Britnnic majesty's admiralty, and consequently transmit herewith the enlosed copies of letters.

The box contained four books and eighty sheets of charts, of the atest publications, all descriptive of the parts of the world to which I ım bound.

With great respect, I have the honor to be your obedient servant,

M. C. PERRY,
Commanding East India Squadron.

Hon. JOHN P. KENNEDY,
Secretary of the Navy, Washington.

ADMIRALTY, *October* 28, 1852.

SIR: Vice Admiral Sir George Seymour, K. C. B., commander-in-:hief of her Britannic majesty's ships and vessels on the North Ameri-:an and West India station, having requested that the most recent :harts and sailing directions of the eastern seas might be sent to you, ıs you are about to proceed to China and Japan, I am commanded by ny lords commissioners of the admiralty to acquaint you that they have ıad much pleasure in acceding to the vice admiral's proposal, and that :he box containing the charts, &c., have been forwarded to her ma-iesty's consul at New York, with instructions to take measures for their :onveyance to you.

I have the honor to be, sir, your most obedient humble servant,

AUG. STAFFORD.

Commodore PERRY,
United States Navy, &c., &c., &c.

UNITED STATES STEAM FRIGATE MISSISSIPPI,
Madeira, December 13, 1852.

SIR: At the moment of sailing from the United States, I had the honor of receiving your communication of the 28th of October, together with a box of valuable charts, transmitted to me by order of the lords commissioners of the admiralty, and at the instance of Vice Admiral Sir George Seymour.

Be assured, sir, that I entertain a just sense of the kind consideration of Sir George, and of the distinguished favor conferred upon me by the lords commissioners.

With great respect, I have the honor to be your most obedient servant.

M. C. PERRY,
Commander in chief United States naval forces in the East India and China seas.

AUGUSTUS STAFFORD, Esq., M. P.,
First Secretary to the Lords Commissioners of the Admiralty, London.

Commodore Perry to Secretary of the Navy.

U. S. STEAM FRIGATE MISSISSIPPI,
Madeira, December 14, 1852.

SIR: Since leaving the United States I have had leisure to reflect more fully upon the probable result of my visit to Japan, and though there is still some doubt in my mind as to the chances of immediate success in bringing that strange government to any practicable negotiation, yet I feel confident that in the end the great object in view will be effected.

As a preliminary step, and one of easy accomplishment, one or more ports of refuge and supply to our whaling and other ships must at once be secured, and should the Japanese government object to the granting of such ports upon the main land, and they cannot be occupied without resort to force and bloodshed, then it will be desirable in the beginning, and indeed, necessary, that the squadron should establish places of rendezvous at one or two of the islands south of Japan, having a good harbor, and possessing facilities for obtaining water and supplies, and by kindness and gentle treatment conciliate the inhabitants so as to bring about their friendly intercourse.

The islands called the Lew Chew group are said to be dependencies of Japan, as conquered by that power centuries ago, but their actual sovereignty is disputed by the government of China.

These islands come within the jurisdiction of the prince of Satsuma, the most powerful of the princes of the empire, and the same who caused the unarmed American ship Morrison, on a visit of mercy, to be decoyed into one of his ports and then fired upon from the batteries hastily erected. He exercises his rights more from the influence of the fear of the simple islanders than from any power to coerce their obedience; disarmed, as they long have been, from motives of policy, they have no means, even if they had the inclination, to rebel against the grinding oppression of their rulers.

Now, it strikes me, that the occupation of the principal ports of those islands for the accommodation of our ships of war, and for the safe resort of merchant vessels of whatever nation, would be a measure not only justified by the strictest rules of moral law, but what is also to be considered by the laws of stern necessity; and the argument may be further strengthened by the certain consequences of the amelioration of the condition of the natives, although the vices attendant upon civilization may be entailed upon them.

In my former commands upon the coast of Africa and in the Gulf of Mexico, when it fell to my lot to subjugate many towns and communities, I found no difficulty in conciliating the good will and confidence of the conquered people, by administering the unrestricted power I held rather to their comfort and protection than to their annoyance; and when the naval forces left, they carried with them the gratitude and good wishes of their former enemies; and so I believe that the people of the islands spoken of, if treated with strict justice and gentle kindness, will render confidence for confidence, and after a while the Japanese will learn to consider us their friends.

In establishing those ports of refuge it will be desirable to provide the means of supply to the vessels that may resort to them, and hence the necessity of encouraging the natives in the cultivation of fruits, vegetables, etc.; and to carry out in part this object, garden-seeds have been provided; but to pursue the purpose still further, I have thought that if a few of the more simple agricultural implements of our own country were sent to me for use, and for presents, they would contribute most essentially to the end in view; such, for instance, as the common cultivator, the plough and harrow, spades, hoes of various kinds, the threshing and winnowing machines, and especially those inventions for separating the cotton and rice from their husks.

And with reference, also, to the subject of my letter to Mr. Fulsom, chargé at the Hague, a copy of which has been enclosed to the Department of State, it would be good policy to counteract the discreditable machinations of the Dutch, by circulating printed publications representing the true condition of the various governments of the world, and especially to set forth the extraordinary prosperity of the United States under its genial laws.

To effect this object, I am already provided with works for presentation, descriptive of the civil and political condition of the United States, such as the census tables, post office, and railroad reports, reports of the Indian and land offices, military and naval registers, also with the magnificent publications of the State of New York, etc.

And I have thought that a small printing press, with type and materials, would go far to facilitate our plans, by giving us the means of putting forth information calculated to disabuse the Japanese of the misrepresentations of the Dutch.

The government of Japan keep in employment linguists in all modern languages; and such is their curiosity, that these publications, if admitted at all, would soon be translated.

Having thus, according to my anticipations, established harbors of resort, and organized certain rules of equity to govern our intercourse with the natives in the payment for labor, supplies, &c., and having de-

pots of provisions and coal near at hand, we shall be able to act with more effect in bringing about some friendly understanding with the imperial government. At all events, steamers, or whatever vessels that may be passing to and from California and China, will find safe harbors in their way, and it may reasonably be expected that in the course of time the intercourse thus brought about will lead to a better understanding of our pacific intentions.

It may be said that my anticipations are too sanguine. Perhaps they may be, but I feel a strong confidence of success. Indeed, success may be commanded by our government, and it should be, under whatever circumstances, accomplished. The honor of the nation calls for it, and the interest of commerce demands it. When we look at the possessions in the east of our great maritime rival, England, and of the constant and rapid increase of their fortified ports, we should be admonished of the necessity of prompt measures on our part.

By reference to the map of the world, it will be seen that Great Britain is already in possession of the most important points in the East India and China seas, and especially with reference to the China seas.

Singapore commanding the southwestern, while Hong Kong covers the northeastern entrance, with the island of Labuan on the eastern coast of Borneo, an intermediate point, she will have the power of shutting up at will and controlling the enormous trade of those seas, amounting, it is said, in value to 300,000 tons of shipping, carrying cargoes certainly not under £15,000,000 sterling.*

Fortunately the Japanese and many other islands of the Pacific are still left untouched by this unconscionable government; and, as some of them lay in a route of a commerce which is destined to become of great importance to the United States, no time should be lost in adopting active measures to secure a sufficient number of ports of refuge. And hence I shall look with much anxiety for the arrival of the Powhatan and the other vessels to be sent to me.

I have thus exhibited, in this crude and informal communication, my views upon a subject which is exciting extraordinary attention throughout the world, and I trust that the department will approve the course I propose to pursue.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commanding East India Squadron.

Hon. JOHN P. KENNEDY,
Secretary of the Navy, Washington.

Mr. Everett to Commodore Perry.

DEPARTMENT OF STATE,
Washington, February 15, 1853.

SIR: Your dispatch of the 14th of December has been referred by the Secretary of the Navy to this department, and by me submitted to the President.

* See Governor Crawford's opinion, in "The Expedition to Borneo by Her Majesty's Ship Dido," chapter 24, published by Harper Brothers, New York, 1846.

The President concurs with you in the opinion that it is highly desirable, probably necessary for the safety of the expedition under your command, that you should secure one or more ports of refuge of easy access. If you find that these cannot be obtained in the Japanese islands without resort to force, it will be necessary that you should seek them elsewhere. The President agrees with you in thinking that you are most likely to succeed in this object in the Lew-Chew islands. They are, from their position, well adapted to the purpose; and the friendly and peaceful character of the natives encourages the hope that your visit will be welcomed by them.

In establishing yourself at one or two convenient points in those islands, with the consent of the natives, you will yourself pursue the most friendly and conciliatory course, and enjoin the same conduct on all under your command. Take no supplies from them except by fair purchase, for a satisfactory consideration. Forbid, and at all hazards prevent, plunder and acts of violence on the part of your men toward these simple and unwarlike people, for such they are described to be. Let them from the first see that your coming among them is a benefit, and not an evil to them. Make no use of force, except in the last resort for defence, if attacked, and self-preservation.

The President approves the idea suggested by you of encouraging the natives to turn their attention to agriculture, and has given orders to have the implements of husbandry mentioned by you sent out by the Vermont. He has also directed a small printing press, with type and materials for printing of all kinds, to be sent out by [redacted]ermont.

The President is gratified to perceive that you [redacted]pressed with the importance of the enterprise confided to your dir[redacted]n, the success of which will mainly depend upon your prudence and address. It will attract a large share of the attention of the civilized world; and the President feels great confidence that the measures adopted by you will reflect credit on your own wisdom and discretion, and do honor to your country.

I am, sir, respectfully, your obedient servant,

EDWARD EVERETT.

Commodore M. C. PERRY,
Commanding the United States naval forces in the China seas.

Commodore Perry to Secretary of the Navy.

[No. 4.] U. S. STEAM FRIGATE MISSISSIPPI,
Table Bay, Cape of Good Hope, February 2, 1853.

SIR: I would respectfully refer to previons letters of mine to the department suggesting the expediency of sending out in the vessels destined for the Japan service an additional number of healthy, young American landsmen to fill vacancies occasioned by the numerous casualties constantly occurring on board of ships on the East India station.

The landsmen allowed to this ship will be sufficiently instructed by the time they reach China to make excellent topmen.

If one hundred more are sent out in the Vermont, or other vessels

leaving for China, they can be made very useful, and may probably enable me to retain at least one of the ships of the squadron, the period of service of whose crew may be about expiring.

An additional number of marines will also be of great advantage.

Already the crew of this ship has been weakened eight in number by sickness, desertion, &c.

The same rage prevails here for going to Australia as was prevalent some time since in the United States to proceed to California, and I fear that five or six of our men, one marine included, have been enticed away and concealed on shore, as they cannot be found.

With great respect, I am, sir, your obedient servant,

M. C. PERRY,
Commanding East India Squadron.

Hon. JOHN P. KENNEDY,
Secretary of the Navy, Washington.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *April* 7, 1853.

SIR: In reply to the suggestion contained in your dispatch, numbered 4, and of date February 2, 1853, to the effect that "if one hundred more landsmen are sent out in the Vermont, or other vessels leaving for China, they can be made very useful, and may probably enable me (you) to r[redacted]t least one of the ships of the squadron, the period of service of wh[redacted]ew may be about expiring," you are informed that as Congress fa[redacted]at its last session to grant the authority which was asked for by the department to enlarge the number of men of all classes for the naval service, and no means having been appropriated for that purpose, the withdrawal of the Vermont from your command has become unavoidable, as she cannot be manned without exceeding the number of seamen, &c., prescribed by law. It is probable, also, that the delay in preparing the Alleghany for sea may render her services unavailable in your squadron.

This, however, must not interfere with your visit to Japan, as it is confidently believed that the force and the means which have been provided, and which will be completed on your being joined by the Macedonian, will be amply sufficient for the successful accomplishment of the objects of your mission.

The administration will afford you all proper aid in carrying out the important objects with which you have been entrusted, and in fulfilling the public expectation in regard thereto.

As the head of the Navy Department it affords me great satisfaction to express to you the confidence entertained in your ability, prudence, and sagacity to bring about the desired results contemplated by your instructions.

I am, very respectfully, your obedient servant.

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding U. S. squadron,
East India and China seas, Macao, *China.*

Commodore Perry to the Secretary of the Navy.

[No. 8.] UNITED STATES STEAM FRIGATE MISSISSIPPI,
Hong Kong, April 9, 1853.

SIR: I have the honor of reporting the arrival of the Mississippi at this port on the 7th instant, last from Singapore, having touched at Macao.

Commodore Aulick relinquished the command on the 11th of last month, and departed for the United States by the overland route in the last steamer.

No incident of importance occurred during the passage, and our officers and crew are in good health.

On arrival here, I found my plans seriously deranged by the unexpected absence of the Susquehanna, she having been dispatched to Shanghai, by Commander Kelly, seven days after the departure of Commodore Aulick, and for the purpose of transporting the Hon. Mr. Marshall and suite to that place, apprehensions being entertained that the movements of the revolutionists in the north of China might endanger the American interests in that quarter. Whatever may have been the urgent necessity of sending away a ship of the squadron at a moment when my arrival must have been hourly expected to assume the command, and when I should have cheerfully co-operated with Mr. Marshall, it would, I think, have been more judicious in Commander Kelly to have taken Mr. Marshall on board his own ship to Shanghai, or have sent the Saratoga, rather than have removed from my control, for an uncertain time, the steamer assigned as my flag ship.

But I shall make no further comment until I have an opportunity of enquiring more fully into all the circumstances attending this singular act of temporary authority of Commander Kelly.

I have sent the Plymouth to Shanghai, with orders for the Susquehanna to await there my arrival, for which place I shall sail in a few days, preparatory to my departure for Japan.

The department has been kept informed of my movements by previous letters Nos. 1, 2, 3, 4, 5, 6, 7, transmitted from the several ports touched at on our outward passage.

By the next mail I shall be better able to communicate any political information that may be of interest at home.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commanding East India Squadron.

The Hon. SECRETARY OF THE NAVY,
Washington, D. C.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *April* 18, 1853.

SIR: It is understood at this department that the Russian government intends to send a *portion* of its naval force to visit the islands of

Japan, probably in the laudable pursuit in which the squadron under your command is now engaged.

Should the vessels of the United States squadron fall in with those of Russia, you will be pleased to require of all officers of your squadron to manifest all due respect to the Russian officers, by establishing the most friendly communication, and by reciprocating to the fullest extent all civilities and kind offices that may be extended to them.

I am, very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Comd'g U. S. Squadron in the East India and China seas.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *April* 25, 1853.

SIR: The dispatches of Commodore John H. Aulick to the department represent his health as much impaired, and the steamer Susquehanna as being in a crippled condition, so much so as to render her further services in the East India and China seas a matter of doubtful reliance. It is also stated that she will not be in condition to accompany the squadron to Japan without first proceeding to England or the United States to receive the repairs necessary to make her an efficient war steamer.

The depart[redacted]t regrets this state of affairs, and, in view of the facts disclosed, as well as in connexion with the detachment of Commodore Aulick from the command of the United States squadron in the East India and China seas by my predecessors, and the near approach of the expiration of the term of enlistment of the crew of the Susquehanna, deems it proper to instruct you, in the event of its being found impracticable to repair and make efficient and serviceable that steamer for your purposes, to order her return to the United States under the command of Commodore Aulick, and you will, at your discretion, retain Commander Buchanan for such other duty as you may find for him in your squadron.

It is not the intention of the department to deprive you of the services of the Susquehanna, if you can find the requisite resources at hand to render her efficient for your visit to Japan. You will, therefore, exercise your best judgment in this matter, repairing, if practicable, and retaining that steamer, *if you* still deem her co-operation *important* in the fulfilment of the mission entrusted to you.

The friends of Lieutenant John P. Gillis desire his return to the United States under circumstances which appeal strongly to the sympathies. You will, therefore, if the public service will suffer no detriment by his detachment from the Plymouth, permit him to take advantage of the first opportunity to return to his friends.

I am, very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding U. S. Squadron, Macao, China.

Commodore Perry to the Secretary of the Navy.

[No. 11.] SHANGHAI, *May* 6, 1853.

SIR: The alarm which had been produced by the probable advance of the insurgents upon Shanghai, has in a measure subsided. The difficulty of obtaining correct information from the interior induced Sir George Bonham, the British plenipotentiary, to ascend the Yang-tsze-kiang, in one of her majesty's small steamers, as far as Nankin, which city he found in possession of the insurgents, who also held the banks of the river about fifty miles below.

Sir George states that he found the rebel army in a state of misrule and disorganization, and not as numerous as had been reported; and, in his opinion, this undisciplined force would ultimately be obliged to evacuate Nankin and retire to the south. That the chiefs with whom he conversed expressed a friendly feeling towards foreigners, and intimated no intention of approaching nearer to this place. The great object of the insurgents being to advance upon Pekin, which, once in their possession, the revolution would be complete. Other reports of persons accompanying Sir George differ materially from these accounts.

As, however, the United States commissioner will communicate to the Department of State every particular respecting the political and commercial condition of the country, I merely refer to the subject with reference to the probable necessity of leaving one of the four ships, at present at my disposal, to look after and protect American interests here; though I hope to be able, as it will be highly important, to take them all to the coast of Japan; sending one back to this place as soon as practicable. Upon this matter, however, I shall confer with the commissioner, and shall remain myself no longer here than will be necessary to complete my business.

The accompanying paper, marked D, is a translation of a dispatch received by me on my recent arrival at Canton, from the Dutch governor general of India, which, the department will perceive, is not very explicit.

I can learn very little from Japan. Rumor reports that the Japanese government, assisted by the Dutch, have been, and still are, making extensive preparations of defence against any warlike demonstration of the Americans; but no reliance can be placed upon the correctness of these reports. * * * * * * *

MAY 7.

Yesterday the governor of Shanghai, with two high officers from a neighboring city, called on me to ask the assistance of the force under my command to suppress the insurrection.

I replied that I had no authority to interfere, and even if I had I should not and could not well do so, inasmuch as the representative of my government to China had not yet been officially accredited. That the government of the United States was disposed to be on the most friendly terms with China, and to extend her friendly and commercial relations with this country; but as a preliminary step to a full and cordial intercourse, it would be necessary that the commissioner should be

received in a manner becoming to the power and dignity of the nation which he represented; that it belonged to him to answer all questions of a diplomatic character relating to the friendly intercourse of the two governments. That I was in command of a naval force, employed in the general protection of American interests in other ports of the east as well as in China, but should at all times be happy to render any proper and peaceful service to the subjects of his imperial majesty wherever I might meet them.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Com'g East India Squadron.

The Hon. SECRETARY OF THE NAVY,
Washington, D. C.

[Translation D.]

[No. 134.] POERWOREDJE, (JAVA,) *September* 22, 1852.

SIR: I have been informed by my government of the request received from the government of the United States by letter from its chargé d'affaires at the Hague, bearing date the 2d July last, as also of the promise made in consequence thereof by the government of the Netherlands to direct the chief of the Netherlands factory at Dezima to contribute as much as may be in his power to the success of the entirely friendly visit which an American squadron is about to pay to the isles of Japan.

I have the honor to inform you that the newly appointed chief of Dezima, Mr. J. H. Donker Curtius, late member of the supreme court of the Netherlands Indies, recently departed for Japan, has been furnished with instructions, in view of urging upon the Japanese government a change in its system of policy of exclusion equally in favor of all nations who have hitherto lived in peace with the empire of Japan.

Formal instructions, however, to promote especially the efforts of the government of the United States to effect this object in a peaceful and friendly manner have not, and could not have been given to the said chief, because at the time of his departure nothing was known officially, at least by the government of the Netherlands Indies, with respect to the intentions of the American government.

When the communication of my government before mentioned had been received, I put the question to myself, whether it would be necessary or useful to dispatch again one of his majesty's men-of-war to Japan for the purpose of transmitting orders to the chief of the factory at *Dezima*, according to the promise of my government.

After mature deliberation, I came to a negative answer of the said question, more especially because the sending of a Netherlands man-of-war in the present time and circumstances might raise suspicion with the Japanese government, which probably would exercise an unfavorable influence upon the negotiations in case such negotiations could be opened.

I deem it my duty, however, if you think convenient, to avail of the

promise made by the government of the Netherlands to furnish you the opportunity thereof, and for that purpose have the honor to forward herewith a dispatch addressed to the Netherlands chief at Dezima, which I ask you to be pleased to transmit to him, in case you should desire to procure his co-operation; the dispatch containing the necessary orders to comply with your demand in conformity with what has been promised.

I beg to remark, in view of the object at present contemplated by both our governments, that in case the Netherlands chief of the factory at Dezima should have succeeded in opening negotiations with the government of Japan, it is not unlikely that any proof of co-operation between America and Holland would prejudice these negotiations, as you are aware that the American expedition to Japan has not always been represented to be of a wholly friendly and peaceful character.

Accept, sir, the assurance of my distinguished consideration.

Your most obedient servant,

DUYMAER VAN TWIST,
Governor General of the Netherlands Indies.
A. PRIONS, *Secretary General.*

Commodore PERRY,
Commanding the American Squadron bound for Japan.

Commodore Perry to the Secretary of the Navy.

[No. 12.] UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Shanghai, May 16, 1853.

SIR: I have the honor to transmit, herewith, copies of certain communications which have passed between the honorable Humphrey Marshall, the commissioner to China, and myself; and trust that the course pursued by me will meet the approval of the department.

The calls of Mr. Marshall upon the services of the vessels of the squadron have considerably embarrassed the plans I had formed of proceeding directly to Japan with my whole force, conformably to instructions.

As matters now stand I shall be obliged to leave the Plymouth here, at least for a short time, and proceed with this ship and the Mississippi to Lew-Chew, preparatory to my visit to Japan. The Saratoga has already been ordered to take the interpreter, Mr. S. Wells Williams, from Macao to Lew-Chew, there to meet me.

Accounts from Japan state that extensive warlike preparations have been made to meet our ships, which indicate a determination in the government to adhere to its exclusive policy.

The insurgents are still in possession of Nankin, and though an imperial army is encamped within a few miles of the city, we hear of no active movements on either side.

The apprehensions of an attack upon Shanghai have, in a measure, subsided, and the Chinese are resuming their usual peaceful occupations.

As I shall be *but three days* of steaming from this place, a dispatch

vessel would soon give me notice of any renewed demonstrations of the insurgents to approach this city; and there being two English and one French steamer here, the presence of the Plymouth can, I think, soon be dispensed with, and she will be enabled to rejoin me.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commanding East India Squadron.

The Hon. SECRETARY OF THE NAVY,
Washington, D. C.

LEGATION OF THE U. S. OF AMERICA, SHANGHAI,
May 11, 1853.

SIR: I have the honor to enclose a copy of a letter addressed to me by the mercantile firms of this city composed of citizens of the United States. I have not undertaken a reply to it, because I am not placed by the President in possession of your instructions from the government, and therefore cannot be presumed to know whether your duty under those instructions will require the withdrawal of the whole naval force from this place or not.

The letter discloses a large property belonging to American owners now exposed to risk, and certainly the condition of China at present renders all property now at this place insecure; for, though no danger seems to threaten Shanghai at this moment, the occupation of the country around Nankin by hostile armies may bring the forces of either party to Shanghai at any time within thirty-six hours. But the present condition of affairs in China is likely to last through this entire season; and it will be your province to decide, under your instructions, upon the relative importance of protecting American interests at Shanghai, by the presence of a ship or ships-of-war, and the immediate application of the entire naval force in these seas to the expedition in which it is understood you are about to engage.

When you shall have decided the proposition, I would be obliged that you would enable me to communicate the result to our fellow-citizens.

I am, sir, very respectfully,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
United States Commander-in-chief of the naval forces in the East India and China seas, and of the Expedition to Japan.

SHANGHAI, *May* 7, 1853.

SIR: Having heard some rumors of an intention on the part of the commander of the United States naval force in this seas to withdraw all the American ships-of-war from this port, we deem it not out of place to call your attention to the subject, and to ask your interference if there are grounds for the report.

Without entering into the consideration of the extent of the danger which threatens foreign interests at this time, the disturbed state of the country sufficiently warrants us in expecting and asking, from the authorities of our country, protection for our property, which, we may mention, amounts, at a fair valuation, to $1,000,000 or $1,200,000, now at risk in this port. We beg that we may not be understood as placing belief in the rumor, but it has suggested to our minds the possibility of such a step, and the importance of the subject induces us to address you.

We have the honor to remain, sir, very respectfully, your most obedient servants,

RUSSELL & CO.,
WETMORE & CO.,
AUGUSTINE HEARD & CO.,
BULL, NYE & CO.,
SMITH, KING & CO.

To Hon. HUMPHREY MARSHALL,
Minister of the United States to China, &c., &c., &c.

UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Shanghai, May 12, 1853.

SIR: I have had the honor of receiving your letter of yesterday, together with a communication addressed to you by the American mercantile firms of this city, composed of citizens of the United States.

In reply, I may remark, that I have endeavored to make myself acquainted with the present condition of things in this part of China, in view of deciding upon the actual necessity of leaving one of the ships of the squadron temporarily here, at a time when the services of my whole force are needed elsewhere.

Before my departure, however, I shall determine the question; and I beg it to be understood that, so long as I command the United States naval forces in these seas, I shall be mindful to watch over the American interests in China, as far as it can be done consistently with obligations of public duty in other ports of my command, and especially with reference to an important mission intrusted to my guidance.

With great respect, I am, &c.,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East India, China, and Japan seas.

His Excellency H. MARSHALL,
United States Commissioner to China, Shanghai.

SHANGHAI, *May* 13, 1853.

SIR: I have communicated to you verbally an account of my efforts to present my credentials to the government of China, and the nature of the relation in which, *at present*, I am placed towards the public au-

thority of this empire. You will, therefore, comprehend my embarrassment at the prospect of the withdrawal of the naval force of the United States from this coast at this time.

My reception by this government is matter of deep interest to the United States, and especially to American citizens resident in China, and in my opinion will be materially affected both as to the time, manner, and place, by the presence of a vessel-of-war belonging to the United States to convey me to such point as may be selected by the emperor for that ceremony.

I should not feel justified, under existing circumstances, in permitting you to depart on the expedition to Japan without making a formal application to you for the aid of a ship-of-war to convey me without delay to the mouth of the Peiho, or as near that point as it will be safe to go—or to such other place as the emperor may indicate for my reception—there to await until my official introduction to the public authority of China shall have been consummated.

You are aware that, after the fall of Nankin, I addressed an official note to the prime minister at Pekin, requesting the emperor to decide whether my credentials should be delivered in person, or communicated to him through an officer of state; in which note I expressed my wish to be received at Pekin, as most conformable to the consideration due to the government I have the honor to represent. To that note I have received yet no reply, though more than a month has elapsed since it was committed to a proper channel for dispatch to its destination. When it was delivered to the tautai to forward to Pekin, he said a reply might be received in a month; but at the expiration of that time he caused me to be informed that probably two or three months would pass before an answer would arrive.

This fact creates a grave apprehension that the letter has either not been forwarded, or has been intercepted by some provincial authority, to whose hands necessity compelled the tautai to confide it.

In either event it will be my duty, after a reasonable time shall have elapsed to afford opportunity for a response, to move as near as practicable to the court of China, to *present my credentials in person*. I have exhausted the means pointed out by the treaty to communicate with the emperor, to whom I am accredited, and am brought now to the alternative of proceeding directly to the capital of the emperor, or of retiring from the country after a refusal by the emperor to receive me. That act on his part would be of such grave import, that, notwithstanding the spirit of exclusiveness heretofore displayed by the court at Pekin, I do not think his imperial majesty would hazard the consequences in the existing condition of government. If he would, the United States cannot ascertain the fact too soon. A faithful but unsuccessful effort having been already made to find access to the court through an imperial commissioner, or a governor-general of the maritime provinces, (of which my letter advises the prime minister,) a refusal to receive me, or to appoint a commissioner to transact business with me, in a proper manner, at a suitable place, would exhibit such reckless disregard of treaty obligations, and of the courtesy due to the United States, as to justify the resort to ulterior measures to assert their dignity, and to place their future relations with China on a different basis. The action

of the government of the United States in relation to Japan would, in my opinion, be materially affected by such an event; for I entertain no doubt that the interest manifested by the American public in the success of your expedition to Japan rests upon the idea of future progress in peaceful and profitable intercourse with China.

If the emperor of China, confronted by a formidable rebellion among his subjects against his dynasty, would prefer to hazard war with the United States to an admission of their envoy to his court, yet will not execute his treaty obligations by appointing a proper public officer to adjust questions which arise in the foreign relations of his government, the United States might well desire to modify their policy with regard to Japan *until their future relations with China were more clearly ascertained.*

But it may be said that the serious consequences shadowed forth under this view of the subject may be avoided by the exercise of patience on my part, in retaining my present position, until the affairs of this empire shall be so adjusted that the imperial commissioner, heretofore resident at Canton, shall resume his post. You are aware, doubtless, that more than eighteen months have elapsed already since the troubles of the interior called that officer from the provincial city of the south, and you can see that, instead of the restoration of tranquillity, the cloud of civil war lowers more darkly than ever over the horizon of China. The progress of such a revolution, instead of diminishing the reasons for my prompt and proper reception, increases them in the ratio of the multiplication of chances of interference by the hostile forces with the rights and property of American citizens resident in China. Certainly, if a public minister will ever be wanted to guard the rights of citizens of the United States in China, his presence is required when they have millions at risk, in the presence of a country in hostile array, and agitated to its centre by the passions and schemes of revolution. Again: if ever there can be a moment propitious to the peaceful establishment of that equality of political intercourse with the emperor of China which is considered desirable by the United States, and which is only to be attained by the introduction of their minister to a residence at Pekin, *the present is the moment.* Shall the United States lose this advantage for the *immediate* pursuit of a scheme which must be considered of secondary importance to whatever affects their political relations with this country? Shall they relapse voluntarily to the unsatisfactory basis heretofore maintained, and now rendered *intolerable* and *humiliating* by the fact that even that arrangement is made to yield, and to be indefinitely postponed, in view of the disturbances of the interior?

There is nothing to be hoped for in Japan equal to the advantages now actually enjoyed in China; and it appears to me no effort should be spared to preserve the beneficial and prosperous commerce already opened with this great, extensive, and productive country. That commerce is now paralyzed comparatively by the civil war in the bosom of the empire; and it may be paralyzed altogether by such a failure on the part of China to fulfil her duty of courtesy and comity to the United States as shall compel my withdrawal from this country. I think that when the presence of your squadron was ordered by the

department to aid my prosecution of a *few private* claims upon China, there can be little room to doubt that their spirit and scope would justify your assistance in the more serious *public claim* which is involved by the delay and embarrassment to which I am subjected in procuring an audience from the chief, or even a communication with the subordinate officers of this government, so as to enter upon the disposition of those claims.

But, sir, it is not my purpose to weigh your obligations, or to essay to judge the force of your instructions. I confess myself ignorant of their character and extent. My purpose is only frankly to disclose my own situation, and my purposes, as well as my view of the important matter involved in the speedy resolution of the difficulties of my present position. Alone and unaided, it is palpable I can effect nothing to bring this government to a due sense of the propriety of attending to my reception without delay, much less can I do so should the nature of your instructions compel you to withdraw all your force from this coast while I am applying to establish my diplomatic connexion with the court of China.

It is my expectation to wait a reasonable time—say two or three weeks longer—to learn the fate of the letter I have already dispatched to Pekin; and, should no reply be received, it is my wish then to avail myself *of the existing condition of affairs in China to secure an official residence at Pekin for the commissioner of the United States.*

If the conjuncture of affairs now existing shall be permitted to pass without the effort to secure that object, there is strong probability it will be lost for years and years to come.

The government of the United States has always manifested an anxiety to secure this point, and has urged it upon the consideration of my predecessors as one of which the advantage was too important to be neglected upon any opportunity to achieve it. Therefore, *I* am not now at liberty to disregard the circumstances which favor its prosecution.

In my opinion, the speedy decision of the proposition can be effected advantageously by my presence at the mouth of the Peiho to open a communication directly with Pekin. The use of one ship-of-war, in the first place, will be requisite to enable me to reach that position, and her presence will be proper during my negotiation.

But I do not permit myself to doubt that you will find great pleasure, if compatible with the nature of your instructions, or if rendered possible by the absence of a sufficient force to effect your own success in the special service in which you are about to engage, to detach a ship from the squadron for the purpose I have herein indicated.

I am, sir, most respectfully, your obedient servant,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief of United States naval forces
in the East India, China, and Japan seas.

UNITED STATES FRIGATE SUSQUEHANNA,
Shanghai, May 16, 1853.

SIR: Your communication of the 13th instant has been received, and after a respectful consideration of its contents, with a sincere desire to do that which will best conduce to the honor and interests of the United States, I am reluctantly constrained to say that I cannot see myself justified in employing one of the four vessels of war at present at my disposal in the manner you propose, and for reasons which seem to be conclusive.

Because I have determined, at the expense of great inconvenience to the special service in which I am engaged, and by a virtual departure from the strict letter of my instructions, to leave the Plymouth, at least for a short time, at this place, in conformity with the application made through you by citizens of the United States resident here; and I trust I may be pardoned for dissenting from the arguments held forth by you as to the immediate necessity or expediency of an undertaking, the result of which, if unsuccessful, as in all probability it would be, would doubtless produce unfriendly feelings between the United States and China, and retard, rather than advance, the object so much desired, of establishing an American embassy at Pekin.

With these convictions I could not, even if I were so authorized, consistently co-operate with you in an experiment, the uncertain issue of which might seriously involve our commercial relations with this country, at present upon a comparatively favorable footing, with prospective promises of greater advantages.

We now stand upon the same ground with other great maritime powers, as no foreign minister has yet been permitted to reside at the capital of China; nor has the French minister, Monsieur de Bourbaulon, as I am informed, more than yourself been accredited.

But the question is one which may properly and without inconvenience be referred to our rulers at home; and I hardly need say, that whatever instructions may be addressed to me by the Navy Department will be promptly executed.

Meantime, should the Chinese government, in answer to your application, indicate a willingness to receive you at the capitol, I shall be most happy to render every facility in my power to give weight and importance to your mission.

The enclosed copy of a report of Commander Kelly will furnish another reason for the decision arrived at by me.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East India, China, and Japan seas.

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 15, 1853.

SIR: In compliance with your instructions, I have examined the charts and directions for navigating the Yellow sea and the gulf of Petche-See

to the mouth or entrance of the Peiho river, and find that, having been visited so little by European navigators, the coast and harbors are very imperfectly known. Many islands have been laid down as having been seen, but their situations very imperfectly defined; and many reefs and sand-banks, that are covered at high-water. It also appears that both the sea and the gulf are subject to very heavy white fogs, at this season of the year, for several days in succession; the currents very strong, averaging from 3½ to 4 knots per hour. I have therefore to report that, in my opinion, it would be extremely hazardous for a vessel drawing the draft of water of this ship to attempt to reach the anchorage off the mouth of the river Peiho. The few European vessels that have heretofore visited this coast have invariably been accompanied by vessels of lighter draught of water, for the purpose of sounding, &c. But even their reports can scarcely be relied upon, as the deposit from the many streams emptying into the gulf is constantly forming new banks.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY,
Commander.

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Commodore Perry to the Secretary of the Navy.

[No. 13.] UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Napa, Lew-Chew, June 2, 1853.

SIR: I have the honor to report my arrival at this port on the 26th ultimo, in company with the "Mississippi" and "Saratoga," and was joined by the "Supply" on the 28th. The "Plymouth" was left at Shanghai; but I still hope that the apprehensions of the American merchants of an attack upon the city by the rebels may have so far subsided as to authorize Commander Kelly to join me before my visit to Japan.

Judging from appearances at the time I left Shanghai, I am of opinion if there should have been no change that there is very little necessity of her remaining there.

It would probably be better to wait the arrival out of more of the vessels destined for the station before going to Japan, but I have not heard positively of the sailing of either one of them; and the uncertainty of the time they may be expected at Macao has induced me to come thus far with all the force at present at my command. If I were to defer my visit much later, I should lose the favorable season for exploring the coast.

This beautiful island is a dependency of Japan, and is governed by the same laws; the people are industrious and inoffensive, and I have already made considerable progress in calming their fears and conciliating their friendship; and, as I propose to make this a port of rendezvous for the squadron, it may be hoped that, in the course of time, the whole population of the island may become quite friendly.

They have already consented to receive compensation for the supplies which they are to furnish the ships.

I am only waiting here to establish a good understanding with these people before my visit to Japan, that information of our friendly demonstration towards the Lew-Chewans may precede us, and assure the Japanese that we have no hostile intentions.

But I question whether I shall be able to effect much this summer. It will be my study, however, to manage in such way as to prevent, if possible, any collision with these singular and impracticable people.

I shall have the advantage during my visit of ascertaining whether they are disposed to relax in their policy of exclusion so far as to admit us peaceably to their ports, or whether they will persist in their unfriendly acts. With this knowledge, and with a more imposing force, I shall be able to act more advisedly and decisively the ensuing spring.

With great respect, I have the honor to be your obedient servant,

M. C. PERRY,
Commander-in-chief United States naval forces
East India, China, and Japan seas.

The Hon. SECRETARY OF THE NAVY, *Washington.*

The Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *September* 5, 1853.

SIR: Your dispatch, No. 13, dated at Napa, Lew-Chew, June 2, 1853, has been received.

The department is gratified at the favorable account of your visit to the island of Lew-Chew, and approves your course as indicated in the dispatch referred to therein.

Very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding United States squadron,
East India and China seas, Hong Kong, China.

Commodore Perry to the Secretary of the Navy.

[No. 15.] U. S. STEAM FRIGATE SUSQUEHANNA,
Napa, Island of Lew-Chew, June 25, 1853.

SIR: Availing of a period of unavoidable detention of the squadron at this place, waiting the return of a coal vessel sent to Shanghai, as well for coal as to procure a competent Chinese interpreter, (the one brought by Mr. Williams from Canton being very ill and in a dying state,) I thought I could have no more favorable opportunity this summer to visit the Bonin islands; and, accordingly, leaving the "Mississippi" and "Supply" at Napa, I sailed, with the Saratoga in tow, for Peel island, and anchored at Port Lloyd on the morning of the 14th instant.

As my instructions direct me to seek out and establish ports of refuge

and refreshment for vessels traversing these distant seas, I have, from the commencement of the cruise, kept constantly in view the port in which we are now at anchor, and the principal harbor of the Bonin islands, as well for general convenience of resort as to furnish connecting links, or suitable stopping places, for a line of mail steamers, which I trust may soon be established between some one of our Pacific ports and China, an event so much to be desired, and, if accomplished, one that will be distinguished, even in the history of these remarkable times, as of the highest importance to the commerce of the United States, and of the world.

The mails from the United States and Europe, by the way of Egypt, the Red Sea, and Indian ocean, arrive regularly at Hong Kong almost to a day, twice a week in each month. From Hong Kong to Shanghai, five days may be allowed for the passage. To this point the British government would doubtless extend its mail if it were taken up by us, and continued on to California.

Its transportation, by steam, from Shanghai to San Francisco, via the Bonin and Sandwich Islands, would occupy thirty days, allowing three days for stopping for coal, etc. Thus, the distance from San Francisco to Honolulu, in the Sandwich Islands, is roughly estimated at 2,093 miles; from Honolulu to Peel Island, 3,301 miles; and from Peel island to the mouth of the Yang-tzse-Keang, or Shanghai river, 1,081 miles; in all 6,475 miles; and allowing 240 miles per day, the time at sea would be twenty-seven and the time in port three days; from San Francisco to New York — days would be required, making from Shanghai to New York — days.*

The usual time occupied in transporting the mail from England to Hong Kong, via Marseilles, (the shortest route,) is from forty-five to forty-eight days; add to that two days detention at Hong Kong, and five more to Shanghai, would make the time required to reach the latter place from fifty-two to fifty-five days.

Shanghai might be considered the terminus of the English and the commencement of the American mail; and thus an original letter could be sent west by way of Europe, and its duplicate east by way of California, the first arriving at Liverpool about the time its duplicate reaches New York.

But apart from the advantages, and, I may add, the glory of perfecting a scheme so magnificent, this line of steamers would contribute largely to the benefit of commerce. Already many thousands of Chinamen are annually embarking for California, paying for their passages each $50, and finding themselves in everything, excepting water and fuel for cooking their food.

These provident people are the most patient and enduring laborers, and must, by their orderly habits, add greatly to the agricultural interests of California.

But Shanghai is now becoming the great commercial mart of China; already does it outrival Canton in its trade with the United States, and when it shall be considered that the fine teas and silks, and other rare and valuable commodities of that part of China can be conveyed

*I am not sufficiently acquainted with the present arrangement of the mails to fill up the blanks.

by means of steam to California in five, and to New York in eight weeks, it is impossible to estimate in anticipation the advantages that Hong may grow out of an intercourse so rapid and so certain.

I cannot, in the space of a letter, give a full description of the Bonin islands, and, therefore, beg to refer to the accompanying extracts from my rough journal. It is enough to say that Port Lloyd is admirably adapted for a coal depôt and stopping place for steamers; its geographical position is convenient either for a route to Shanghai or Hong from the Sandwich Islands.

The climate is salubrious, and the harbor commodious and safe, and perfectly easy of access, either by night or day, and the soil is excellent for cultivation, and is capable, with an increase of labor, of furnishing all the supplies of meat, poultry, fruit, and vegetables, that any number of vessels would require.

But there is one, and only one, difficulty in the way of investing American capital in these islands, and that difficulty lies in the uncertainty of the right of sovereignty of the soil, which has never yet been established, though the most prominent claimant is the queen of England, with no other right, however, than that which may have grown out of the performance of a ceremony (perhaps not expressly authorized by his government) by Captain Beechey, commanding the English surveying vessel "Blossom," who, in 1827, formally took possession of the group and gave English names to all the islands.

The year following, a Captain Lütke, of the Russian navy, went through the same ceremony; and four years before the visit of Beechey, a Captain Coffin,* whose nationality is not mentioned, but from the name the probability is he was an American, visited the group, and gave his name to one of the islands.—(See further particulars in extracts from my journal.)

There is no doubt that the Japanese were the first discoverers of these islands; that they were settled by them and subsequently abandoned; that the Spaniards, Portuguese, and Dutch, in their early voyages to the east may have seen them; and in later years they have been known to the Americans, English, and Russians; but neither of the European nations have, up to this day, made the slightest attempts to settle them.

Taking all these considerations into view, and in consideration of the pertinacity with which nations upon mere points of honor hold to claims of sovereignty, however valueless they may be, I trust I may be pardoned in suggesting that an understanding may be had with the British government through our minister at London, that Port Lloyd or Peel Island, whether under the flag of the United States or England, or a local flag, may be considered a free port and a place of resort to vessels of all nations, and especially a stopping place for mail steamers, under such regulations as may be agreed upon.

This course would prevent all future difficulties and mutually benefit the commerce of both nations, though there are but few English vessels traversing this part of the Pacific; the object once accomplished, Port Lloyd would become a place of the highest importance to the com-

* Much valuable information respecting these islands may be obtained from retired whaling captains at Nantucket and *New Bedford*. Coffin was probably from Nantucket.

merce of the Pacific ocean, and more especially to the American trade to China.

Should the department, however, deem it desirable for me to take possession of the islands in the name of the United States, I will do so and adopt the best means of holding them.

I am now only waiting the return of a coal vessel from Shanghai, with the interpreter sent for from that place, when I shall sail for Yedo with this ship, the Mississippi, Saratoga, and Plymouth.

But in consequence of the lateness of the season, owing to the detention of the vessels upon the coast of China, and the non-arrival of any of those ordered to join me from the United States, I do not expect to accomplish more this summer than to make a reconnoissance of the bay of Yedo and some other parts of the coast, and to ascertain the temper and feelings of the Japanese government with respect to our visit, deeming it more wise to make my principal demonstration in the following spring, when I shall be able to exhibit a more imposing force, for I cannot anticipate a willing reception; on the contrary, from all I can learn, they are prepared to throw every difficulty in the way of amicable negotiation. I must, therefore, be careful to secure and keep the right side of the question, and if they determine on hostile acts, to put them in the wrong by reasonable forbearance.

I conceive, however, that we have already effected a great deal in securing two of the desired ports of refuge, Port Lloyd and this; and in quietly establishing ourselves upon this island we have already made considerable progress in conciliating the people. Interchanges of visits and entertainments have taken place, and exhibitions of the Daguerreotye, the magnetic telegraph, the submarine armor, and other scientific apparatus have been made to the utter astonishment of the people. All these incidents are duly recorded and transmitted to Japan.

Parties from the ships traverse the island without molestation, and are kindly received; and payment is now taken in money for supplies furnished to the squadron. In truth, Lew-Chew is a direct and valuable dependency of Japan, and we have even now all the control over it necessary for our present purposes.

And were it not that the authorities and people are kept in constant dread of the consequences that would be visited upon them by the government of Japan, or rather the prince of Satsuma, to whose province the Lew-Chews belong, they would be delighted at our coming amongst them, and this makes it a duty with me to protect them as far as I can against the vindictiveness of their cruel and unnatural rulers; hence I shall keep a ship here whenever one can be spared.

With great respect, I am, sir, your obedient servant,

M. C. PERRY,
Commanding East India Squadron.

The Hon. SECRETARY OF THE NAVY,
Washington, D. C.

P. S. I have been greatly disappointed at the non-arrival of the vessels ordered from the United States; even the store ship "Southamp-

ton," which left home seven months since has not yet made her appearance.

I also deem it my duty to say that there are not a sufficiency of officers attached to the several vessels of the squadron to perform the many duties devolving upon them, of which an important department is that of surveying.

The climate of this station is very enervating, and we have large sick lists; and I fear, unless recruits, especially of passed midshipmen and midshipmen, are sent out, many of those who are now zealous in the performance of their duties will break down. The service of good officers are, in the present lax state of discipline of the navy, still more necessary.

M. C. PERRY.

A.

Extracts from the rough Journal of Commodore Perry.

The Bonin islands extend in direction nearly north and south, between the latitudes of 26° 30′ and 27° 45′ north, the centre line of the group being in longitude about 142° 15′ east.

The principal islands, and, indeed, all of them, have been named by Captain Beechey, of her majesty's ship "Blossom." The northern cluster he called Parry's Group; to the middle cluster, consisting of three larger islands, he gave the names respectively of "Peel," "Buckland," and "Stapleton;" and the southern cluster he called "Baily's Islands."

*"The southern cluster is evidently that in which a whale ship, commanded by a Mr. Coffin, anchored in 1823, who was the first to communicate its position to this country, and who bestowed his name upon the port. As the cluster was, however, left without any distinguishing appellation, I named it after Francis Baily, esq., late president of the Astronomical Society."

These islands are evidently volcanic, the internal fires being still at work, as Mr. Savoy, the oldest surviving settler on the island, informed me that they experienced two or three tremblings of the earth every year.

The islands, headlands, and detached rocks present the most grotesque forms, exhibiting the appearances of castles, towers, animals, and almost every hideous thing conceivable to the imagination.

These geological formations must be of great antiquity, as we noticed numerous canal-like passages in the cliffs, as one might suppose hewn out by the work of the chisel, but they have evidently been dykes produced by the overflowing and cooling of the lava, and then smoothed by the abrasion or attrition of the torrents which are precipitated in the rainy season down the sides of the mountains towards the sea.

*I quote from Findlay's Directory of the Pacific Ocean, not having Beechey's work before me.

These dykes in many parts of the island where the action of the water courses, assisted by the atmosphere, has not produced any material change, still retain their peculiar step-like formation, and the observer might imagine that he was gazing upon a series of steps cut by the hand of man in the solid rock, to facilitate his descent and ascent to and from the summits of the mountains.

Indeed I know of no part of the world which can offer greater interest to the researches of the geologist than these islands present; they are of trappean formation, as naturally connected with their volcanic origin; but I am not sufficiently acquainted with mineralogy to distinguish the several varieties of which the masses are composed, though specimens have been procured for the examination of the scientific.*

Port Lloyd is situated on the western side, and nearly in the centre of Peel Island. It is easy of ingress and egress, and may be considered a safe and commodious harbor; though of deep anchorage, ships usually anchor in from 18 to 22 fathoms.

The port is laid down on Beechey's chart to be in latitude 27° 5′ 36″ N. and 142° 11′ 30″ east longitude. This position is, I conceive, erroneous, as by two sets of observations made by the master of the Susquehanna the longitude was found to be 142° 16′ 30″ east, five miles more to the east than Beechey makes it.

The safest anchorage is to be found as high up the harbor as a ship can conveniently go, having regard to depth and room for swinging and veering cable. Strangers can easily discover, by examination, the proper position to which they can warp their ships.

Beechey's directions for entering the port are sufficiently correct; Castle island, which he speaks of, is easily distinguished and furnishes a good mark. The starboard shore or Southern Head should be kept aboard, clearing it one or two cables to avoid a small rock, lying about 150 or 200 yards from the bluff, and having upon it only eight feet at low water.

I have caused the letter (S) in a circle to be painted upon the bluff of Southern Head, to mark the bearing of the rock due north from said mark, (S.)

Wood and water can be obtained in abundance, though the former must be cut by the crew, and, of course, taken on board green. The water is obtained from running streams and is of good quality.

The few settlers still remaining on Peel island, the other islands being uninhabited, raise considerable quantities of sweet potatoes, Indian corn, onions, taro, and a few fruits, the most abundant of which are water melons, bananas, and pine apples; a few pigs and some poultry are also raised. For these they find ready sale to the whale ships constantly touching at the port for water and other supplies. During the four days we were at anchor at Port Lloyd, three whalemen—two American and one English—communicated by means of their boats with the settlement, and carried away many supplies procured generally in exchange for articles, of which ardent spirits are the most acceptable to many of the settlers.

* It should be recollected that these are simply rough notes, which have not been revised. M C. P.

Were it not for the scarcity of working hands a much greater extent of land would be cultivated; at present there cannot be more than 150 acres under cultivation in the whole island, and this in detached spots, generally at the seaward termination of ravines furnishing fresh water, or upon plateaux of land near the harbor.

The soil is of excellent quality for cultivation, very much resembling that of Madeira and the Canary islands, (the latter being in the same parallel of latitude,) and consequently is admirably adapted for the cultivation of the vine, and of wheat, tobacco, sugar-cane, and many other valuable plants. Of sugar and tobacco the settlers already cultivate enough for their own consumption.

Timber for building purposes is rather scarce, and would soon be exhausted if any increase of population were to call for the erection of many buildings. The best kinds are the tamana and the wild mulberry. The former is similar to the red-wood of Brazil and Mexico, and is very enduring.

I caused the island to be thoroughly explored by two parties of officers, and their reports will be duly filed with other similar papers. The masters of this ship and the "Saratoga" also surveyed the harbor.

The scarcity of sea and land birds has been noticed by every one as singular; not more than five or six varieties of land birds have been seen. Of these the common crow and the pigeon are the largest; the others are of small size. Of gulls and other sea birds we saw very few, the booby being the most numerous. I noticed before reaching the islands a few petrels; these were of unusually large size and of singularly brilliant plumage.

Of quadrupeds we may enumerate hogs, goats, deer, bullocks, and sheep, with any number of cats and hogs. Many of the cats and hogs having strayed to the jungle, are honored with the appellation of wild cats and wild boars, and are hunted accordingly with dogs. A few deer and goats were, some years ago, placed upon North or Stapleton island by the settlers, and the goats have multiplied prodigiously.

Bulls, cows, and sheep, and a few goats, were landed from the Susquehanna in view of their increase. Two bulls and two cows being put on shore at Sand bay, on the north side of Peel island, and two rams and five Shanghai broad-tailed sheep, with six goats, on North island.

On Buckland island there are a good number of hogs; and the settlers have recently stocked two others of the smaller islands with goats, so that in the course of time they will increase to many thousands.

The harbor of Port Lloyd and the neighboring waters furnish excellent fish, which may be taken by the hook or seine, though the places for hauling the seine are few, owing to the coral which in many parts lines the shores.

The best place for hauling the seine in Port Lloyd is upon a sandy beach, in Ten-fathom hole, where there is a small clear spot. The varieties of fish are not very numerous; of those taken in the seine of the Susquehannah, I noticed but five: the mullet, (the most numerous,) two varieties of perch, the gar, and the common ray.

Sharks are very numerous, and, when quite small, they frequent the shallow places amongst the coral rocks near the shore, and are there pursued by the dogs, seized upon, and dragged ashore.

Of edible shell-fish there are none, that I could learn, excepting the chama gigas, (tridacne,) which must be very tough and indigestible. Of other varieties of the testacea there are many, but none of any rarity. The family of crustacea is, however, more extensive, but the kinds are chiefly confined to the land-crab, which are of every variety of size, form, and color. A most numerous kind is what is generally called the pirate. These are seen in every direction, near the shore, travelling about with their ridiculous domicils upon their backs, which they seem to have selected more by chance than choice.

The waters of the Bonin islands furnish abundance of fine crawfish, as also green turtle, of which we obtained a good supply.

According to Kempfer, these islands were known to the Japanese as early as 1675, and they described them under the name of Bune Sima, and as abounding with fish and crabs, some of which were from four to six feet long. From this description of the crabs, I am led to believe that they mistook the enormous green turtle, which are so common here, for crabs. Other accounts give a much earlier date for their discovery by the Japanese.

Extract from Kempfer.

"About the year 1675, the Japanese accidentally discovered a very large island, one of their barks having been forced there in a storm from the island Fatsicio, from which they computed it to be 300 miles distant towards the east. They met with no inhabitants, but found it to be a very pleasant and fruitful country, well supplied with fresh water, and furnished with plenty of plants and trees, particularly the arrack tree, which, however, might give room to conjecture that the island lay rather to the south of Japan than to the east, these trees growing only in hot countries. They called it Bune Sima; and because they found no inhabitants upon it, they marked it with the character of an uninhabited island. On the shores they found an incredible quantity of fish and crabs, some of which were from four to six feet long." *

Extracts from Klaproth's translation of San Kokp Tsoir Ran To Setz.

"The original name of these islands is O-gasa-wara-sima, but they are commonly called Mon-nin-sima, (in Chinese, Wu-jin-ton,) or the islands without people, and this is the name which I have adopted in my work. That of O-gasa-wara-sima, or the O-gasa-wara islands, was given to them after the navigator who first visited them and who prepared a map of them. In the same manner has the southern part of the New World been called Magalania, (Magellan,) who discovered it some two hundred years since.

* Doubtless mistaking turtle for crabs.—M. C. P.

The Bonin islands are found 270 ri to the southeasterly of the province of Idsu. From Simoda in that principality, it is 13 ri to the island of Myake; from thence to Sin-sima or New island, seven ri; from Sin-sima to Mikoura, five ri; from thence to Fatsicio or Fatiho, (Fatsisio,) 41 ri; and lastly, from this to the most northern of the uninhabited islands, it is reckoned to be 180 ri; and to the most southerly 200 ri.

"This archipelago lies in the 27th degree of north latitude. The climate is warm and makes the valleys lying between the high mountains, watered by rivulets, to be very fertile, so that they produce beans, wheat, millet, grain of all kinds, and sugar cane. The tree called Nan-kin—faze or tallow tree (Stillingia sebifera) grows there, and likewise the wax tree. The fishery is good and might be made very productive.

"Many plants and trees grow in these islands, but there are very few quadrupeds. There are trees so large that a man cannot embrace them with his arms, and which are frequently thirty Chinese fathoms in height, (or 240 feet.) Their wood is hard and beautiful. There are also some very high trees resembling the siou-ro-tsoung-liu, or chama-rops excelsa, cocoa nuts, areca palms, that tree whose nuts are called pe-eouan-tsy in Chinese, the katsirau, the red sandal wood, the tou-mou, the camphor, tub figs of the mountains, a high tree whose leaves resemble those of the ground ivy, the cinnamon tree, mulberry, and some others.

"Among the plants the smilax China, (or China root,) called san-ke-rei, the to-ke, a medicinal herb called assa-ghion-keva, and others are to be reckoned.

"Among birds there are different species of parrokeets, cormorants, partridges, and some resembling white sea-mews, but more than three feet long. All these birds have so little wildness, that they can be taken with the hand.

"The chief productions of the mineral kingdom in this archipelago, are alumn, green vitriol, stones of different colors, petrifactions, &c.

"Whales are found in the sea, also huge crawfish, enormous shells and echinee, which are called 'gall of the sea.' The ocean here is unusually rich in various products.

"In the third year of the reign Ghen-Fo (1675,) Simaye Saghemon, Biso Saghemon, and Simaye Dairo Saghemon, three inhabitants of Nagasaki, took a sea voyage to the principality of Idsu. They were embarked in a large junk, built by a skillful Chinese carpenter. These three men were well acquainted with astronomy and geography, and accompanied by Fatobe, the chief ship carpenter of the port of Yedo, who dwelt in the lane of nets. Their vessel was managed by thirty sailors. Having obtained a passport from the imperial marine, they left the harbor of Simoda, the 5th day of the 4th moon, and steered for the island of Fatsio. From thence they sailed towards the southeast and discovered a group of eighty islands. They drew up a map and an exact account of them, in which are some curious details respecting the situation, climate, and productions of this archipelago. They returned the 20th day of the 6th moon, in the same year, to Simoda, where Simaye published an account of his voyage.

"It is singular that this writer makes no mention of the swift current, kuro-se-gaw, which is experienced between the islands of Mikura and

Fatsio. Its breadth exceeds twenty matze, (about half a ri,) and it flows with great swiftness from east to west* about one hundred ri. This omission would be inexplicable if this current was not much less rapid in summer and autumn than it is in winter and spring. Simaye, in his passage to the Bonin islands, passed it in the first part of the intercalary month, which succeeds the fourth moon; on his return, the latter part of the sixth moon, he should have found the currents less rapid, and thus his attention was not called to this dangerous passage."

"The largest of the eighty islands is fifteen ri in circuit, and thus is a little less than Iki island in size. Another is ten ri in circumference, and about the size of Amakusa island. Besides these two there are eight others, which are from two to six and seven ri around. These ten islands have flat plateaux which could be made habitable, and where grain would grow very well. The climate is warm and favorable to cultivation, one might infer from their geographical position. They afford various valuable productions. The remaining seventy islets are only mere steep rocks, and produce nothing."

"A colony of condemned criminals has been sent to these islands, there to labor; they have tilled the earth and planted some patches. They are collected in villages, and have brought together the same things found in other provinces of the empire. One can visit these islands and bring back its products in the same year. In this way a trade would easily spring up, and the benefit to be drawn from it would be considerable. This must be plain to all."

"In the reign Au-Yei, (from 1771 to 1780,) I was sent on a commission into the province of Fisen, where I became acquainted with a Dutchman named Aarend Werle Veit, who showed me a geography in which mention was made of some islands lying 200 ri to the south-east of Japan, called Woest Eiland by the author. The word *Woest* means *desert*, and eiland, (or yeirand, as the original reads,) island. He remarks, that these islands are not inhabited, but that many sorts of herbs and trees are found there. The Japanese might establish a colony on one of these islands on which grain and other productions would thrive. In spite of the length of the voyage thither, the establishment would be useful to them for these purposes. The Dutch company would derive very little advantage from the possession of these islands, they being too small and too remote for their use."

"I have thought proper to repeat these words, which deserve to be borne in mind, and with them I bring to a conclusion all that I have to say respecting the Bonin Islands."

But upon the subject of the early discovery of these islands, I shall have more to say. It is only necessary now to remark, that the description given in the two preceding extracts correspond exactly with the present appearance of the islands. The arrack, or areca-tree, is found upon Peel island, as well as many other tropical trees and plants.

And in further confirmation of the accounts given by Kempfer, of the accidental visit of a Japanese junk, in 1675, I was informed by Mr. Savory, that about thirteen years ago a small Japanese vessel, of about forty tons, came into Port Lloyd, having been driven by stress

*This writer in describing the direction of the current is mistaken.

of weather from the coast of Japan. She had on board nothing but dried fish. Remaining during the winter, she sailed on her return home in the spring, being provided gratuitously, by the settlers, with provisions.

Again, about five years ago, a French whaling ship, cruising off Stapleton island, discovered a smoke on shore, and sending a boat to the spot, there discovered the wreck of a Japanese junk, and five of her crew, the only survivors, in a most helpless condition. These they took on board, and conveyed to Port Lloyd, and they were subsequently taken away by the humane Frenchman, with the intention, as he avowed, of landing them upon one of the Japanese Islands.

A party of officers from the Susquehanna, on a visit to Stapleton island, accidentally saw the wreck of this vessel, and the following is the account given by one of them, Mr. Heine:

"In the little bay where we landed, we found the wreck of a junk, kept together with large copper nails, and having nailed on it several pieces of sheet copper. From these materials, I concluded that it was a Japanese junk. The wreck could not be very old, as the edges of the boards were little rubbed or damaged."

Of the settlers who came from the Sandwich Islands in 1830, accompanied by several natives of those islands, male and female, there are but few left. The names of the whites, who were the leaders in this adventure, were as follows: Mattheo Mazara, a Genoese; Nathaniel Savory, and Aldin B. Chapin, of Massachusetts; Richard Mildtchamp, of England; and Charles Johnson, of Denmark.

Of these, Nathaniel Savory is the only one at present on the island. Mazara is dead, and Savory has married his widow, a pretty native of Guam, (one of the Ladrone islands,) and still quite young, only twenty-five. Mildtchamp is alive, and residing at Guam.

Having long been satisfied of the importance of these islands to commerce, my present visit has been induced by a desire to examine them myself, in view of recommending Peel's island as a stopping place for the line of steamers which, sooner or later, must be established between California and China. To this end I have caused, as before mentioned, the island to be explored, and a few animals to be placed upon two of the group, as a commencement of a provision for future wants. I have also distributed garden seeds, of every description, to the present settlers, and have held out hopes to them that I may furnish them with implements of husbandry, and a greater number of animals. Indeed, I have gone so far as to secure a suitable spot for the erection of offices, wharves, coal-sheds, &c.

M. C. PERRY.

NAPA, GREAT LEW-CHEW, *June* 24, 1853.

Commodore Perry to the Secretary of the Navy.

[No. 16.] U. S. STEAM FRIGATE SUSQUEHANNA,
Napa, Island of Lew-Chew, June 28, 1853.

SIR: As I am led to believe that the exercise of the discretion by Commander Kelly, of the Plymouth, with which he was empowered,

may have given some dissatisfaction to the American merchants at Shanghai, and as it is not improbable that some representations may be made to the department, calling in question the propriety of such measure, I have thought it better, in justice to Commander Kelly, to transmit herewith a copy of the correspondence on the subject.

The files of the department will, I presume, furnish abundant evidence to show that however the commanders of our ships-of-war, on foreign stations, may be desirous of extending as much protection as they can to the interests of our merchants, it is impossible to please all; but not so to give unintentional offence, as each party conceives that their particular interests should be cared for, irrespective of the claims of others.

It is true, that the present political disturbance, in many parts of China, makes it desirable that we should have vessels occasionally touching at Canton and Shanghai, and one or two other ports where missionaries are established; but, if the demands of all are complied with, we should have none for carrying out the instructions with respect to Japan.

But, immediately after my visit to Jedo, I will send a ship to Shanghai, and another to the other ports; leaving one here and returning myself to the coast of China.

It may be well to remark here, that before I left Shanghai, both Mr. Marshall and Mr. Forbes—the latter at the head of the house of Russell & Co.—expressed the opinion, both to Commander Kelly and myself, that there was no immediate necessity for the detention of the Plymouth at that port.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commanding East India Squadron.

Hon. SECRETARY OF THE NAVY,
Washington, D. C.

UNITED STATES SHIP PLYMOUTH,
Napa Keang Roads, June 26, 1853.

SIR: I have the honor to report that, in compliance with your instructions of the 16th of May last, I remained at Shanghai until June 2, at which time the aspect of affairs having much improved, from the fact that most of the stores that had been closed at the first approach of the insurgents were opened and filled with goods; and, also, from the report of Sir George Bonham, Governor of Hong Kong, who had visited the insurgent chief at Nankin, I deemed it proper to carry out the latter part of your orders to repair to Lew-Chew.

The American merchants resident at Shanghai, and the Hon. Humphrey Marshall, United States commissioner to China, addressed me on the subject of my leaving.

Their communications, with my replies, are herewith enclosed, I have also to remark, that the Hon. Humphrey Marshall, a short time previous to my departure, had distinctly told me that he did not then apprehend any danger from the insurgents, but that he was extremely

anxious that a vessel should be left at his disposal to convey him to any place the emperor might designate, to present his credentials. I anchored at this place on the 13th instant.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY,
Commander.

Commodore M. C. PERRY,
Commander-in-chief U. S. naval forces, East India and China seas.

SHANGHAI, *May* 18, 1853, 11 *o'clock, a. m.*

SIR: I desire to know whether your orders from Commodore Perry, to remain here for the present, have imposed any limitation upon the period of your stay by fixing any definite time for your departure hence, or by making it referable to any event now foreseen.

The commodore did not communicate to me a copy of your orders, and of course my present inquiry is based upon no wish to extract them from you, but to regulate my own action by such knowledge of your purposes as it may be proper for you to communicate. I desire to write home by the "Hermes," which sails to night for Hong Kong, and your immediate reply will oblige me.

I am, sir, very respectfully, your obedient servant,

H. MARSHALL.

Commander J. KELLY,
United States Ship Plymouth.

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 18, 1853.

SIR: Your communication of this date has been received. In reply to which I have to state that the following is an abstract of my orders:

[Abstract.]

"According to the present aspect of affairs, I cannot anticipate any probable move of the insurgents towards this city, and the lapse of a few days may enable you to decide advisedly as to the propriety of your remaining beyond a certain time.

"The discretion will be left with you to remain or to proceed, in accordance with the enclosed orders, whenever you may consider that you can do so consistently with the respective claims upon the services of your vessel, in the general protection of the interests of the United States in these seas."

I am then directed that, after leaving this, to proceed directly to rejoin the commodore at a certain point.

I have the honor to be your obedient servant,

JOHN KELLY,
Commander.

Hon. HUMPHREY MARSHALL,
United States Commissioner to China.

SHANGHAI, *May* 23, 1853.

SIR: We are induced to address you upon the subject of the Plymouth's departure from this port, under the knowledge that it is your present intention shortly to withdraw her, by the advice of the honorable Mr. Marshall, United States commissioner, who informs us that he cannot control your movements, and that her disposition has been left to your discretion by the commander of the American East India and China squadron.

We beg to express the opinion, founded upon the best information that has been or that it is possible to obtain of the present condition of this country, that at no time since the establishment of the treaty has the presence of men-of-war at the different ports been so necessary as now. The United States government has thought itself bound by its treaty obligations, and by an interest of an important trade, to keep constantly in the Chinese waters a squadron of two or more vessels in times of peace and tranquillity, and now, at a season of convulsion and change so violent as to threaten the existence of the very cities which our government has induced us to select as places of residence, with every promise of protection, we suddenly find ourselves about to be left without a gun to defend us.

If our property should be lost in consequence of the want of protection which would be afforded by the presence of a man-of-war, we should confidently look to our government for full remuneration, as by your withdrawal you would cause it to be responsible for the effects of an abandonment made in the face of its obligations under the treaty, and of our protest against such a disregard of our right of protection.

We sincerely trust that full and mature consideration of the circumstances will yet induce you to delay your departure until the state of affairs warrants us in feeling secure in persons and property.

We remain, sir, respectfully, your obedient servants,

RUSSELL & CO.
BULL, NYE & CO.
AUGUSTINE HEARD & CO.
SMITH, KING & CO.
WETMORE & CO.

To Commander JOHN KELLY,
United States Ship Plymouth.

UNITED STATES SHIP PLYMOUTH,
Shanghai, May 28, 1853.

GENTLEMEN: Your communication of the 28th instant has been received, in reply to which I have to state, that my instructions from Commodore M. C. Perry, commander-in-chief of the United States squadron in the East India and China seas, directs me to remain at my present anchorage up to a certain time.

The discretion is then left with me to remain or proceed in obedience with my orders, whenever I may consider that I can do so consistently

with the respective claims of the services of this ship in the general protection of the interests of the United States in these seas.

It does not appear to me at present that the insurgents anticipate any move on the city. Should, however, any move be made by them indicating an attack on Shanghai, I assure you I would remain and render all the assistance and protection in my power.

I remain, gentlemen, very respectfully, your obedient servant,

JOHN KELLY,
Commander.

Messrs. RUSSELL & Co.
" BULL, NYE & Co.
" AUGUSTINE HEARD & Co.
" SMITH, KING & Co.
" WETMORE & Co.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT,
October 18, 1853.

SIR: Your dispatch, No. 15, dated at Napa, island of Lew-Chew, June 25, 1853, has been received and perused with much interest. Be pleased to accept the thanks of the department for the valuable extracts from your rough journal touching the "Bonin islands."

Your No. 16, of the 28th of June, has also received consideration. The department discovers nothing to disapprove in the course pursued by Commander Kelly of the Plymouth, and relies, with great confidence, upon the good disposition of the commanding officers under you to extend watchfulness and protection to our citizens residing in China.

Very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding United States squadron
East India and China seas, Macao, China.

Commodore Perry to the Secretary of the Navy.

[No. 17.] UNITED STATES STEAM FRIGATE SUSQUEHANNA,
At sea, August 3, 1853.

SIR: My dispatch, No. 16, dated at Lew-Chew, the 28th of June last, will have informed the department of the transactions of the squadron up to that time. Since then I have visited the bay of Yedo, in Japan; have had an interview with a first counsellor of the empire, under circumstances highly satisfactory; have delivered, with all due ceremony, to that personage the letter addressed by the President to the Emperor, as also my letter of credence; have approached, in the "Mississippi," within seven miles of the city of Yedo, and surveyed,

with the ships and boats of the squadron, the bay twenty miles higher than any foreign vessel had ever before reached.

As an account of all the interesting events which transpired during the short stay of the squadron upon the coast could not well be narrated in a formal letter, I have prepared a series of notes, herewith enclosed, which will fully explain to the department the course and policy of my proceedings.

When the additional force which I have been daily expecting shall join me, I may hope, at the proper season, to make still further progress in the difficult task of bringing this impracticable government to a rational understanding of its obligations to other nations, and especially towards the United States.

Every day of observation strengthens the opinion, so often expressed in my communications to the department, that the large and increasing commerce of the United States with this part of the world makes it not only desirable, but indispensable, that ports of refuge should be established at which vessels in distress may find shelter.

To this end I have adopted every possible means of conciliating and bringing into some degree of social intercourse the authorities and people of Lew-Chew, and have made considerable progress, though they are almost identical in appearance, language, religion, customs, and, last of all, in consummate deceit with the Japanese.

A former communication (No. 15) will have informed the department of my transactions at the Bonin islands, and it is my intention to cause the southern cluster, called Coffin's Group, to be surveyed; charts having already been made of Port Lloyd, Peel Island, and of the ports of Napa and Melville, in Lew-Chew, and materials collected for the construction of a chart of the bay of Yedo as far as the squadron penetrated.

I have experienced most seriously the want of a small steamer, not only in surveying service, but in the operations of the squadron upon the coast of China and Japan.

On my next visit to the bay of Yedo, one will be absolutely necessary to enable me to complete the survey of the head of the bay, and to penetrate as near to the city as the depth of the water will allow.

Under these circumstances I shall avail myself of the authority granted in my instructions "to employ dispatch vessels," &c., &c., and endeavor to hire for a short time a steamer of very light draft, the employment of which will save the necessity of keeping the large steamers so much under steam to cover the surveying boats, and thereby save, in the greatly reduced consumption of coal, more than the actual cost of the hire of the extra steamer.

Should the department, however, not approve the temporary employment of such a vessel, there will be time to inform me by the overland mail before it will be necessary to enter into any engagement for the charter, though I trust that the necessities of the peculiar service in which I am engaged will induce a full authority for me to act according to my best judgment in the matter.

Indeed it would be a measure of economy to purchase or permanently hire a small steamer for this station, as she could perform much of the service now necessarily required of the larger vessels, thus largely

saving in the consumption of fuel, a very important consideration when we take into view the difficulty and cost of transporting coals so far.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commanding East India Squadron.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Notes referring to events which transpired pending the preliminary negotiations of Commodore M. C. Perry with the authorities of Japan, in July, 1853.

The squadron, consisting of the steamers Susquehanna and Mississippi, and the sloops of war Plymouth and Saratoga, commanded respectively by Commanders Buchanan, Lee, Kelly, and Walker, left Napa Keang, island of Lew-Chew, on Saturday the 2d, and anchored off the city of Uraga, bay of Yedo, Japan, on the afternoon of Friday the 8th of July.

I had, before reaching the coast, fully considered and determined upon the course I should pertinaciously pursue in conducting the delicate and responsible duties which had been entrusted to my charge.

It was to adopt an entirely contrary plan of proceedings from that of all others who had hitherto visited Japan on the same errand—to demand as a right, and not to solicit as a favor, those acts of courtesy which are due from one civilized nation to another; to allow of none of those petty annoyances which have been unsparingly visited upon those who had preceded me, and to disregard the acts as well as the threats of the authorities, if they in the least conflicted with my own sense of what was due to the dignity of the American flag.

The question of landing by force was left to be decided by the development of succeeding events.

In pursuance of these intentions I caused the crews to be thoroughly drilled, and the ships kept in perfect readiness as in time of active war, and being thus prepared for any contingency, I determined to practice upon them a little of their own diplomacy, by forbidding the admission of a single individual on board any of the ships, excepting those officers who might have business with me, and the visits of these were to be confined to the flag ship, on board of which they were not allowed to enter until they had declared their rank and the business upon which they came.

I had also made up my mind to confer personally with no one but a functionary of the highest rank in the empire, and consequently refused to see the lieutenant governor and governor of Uraga, referring them to Commanders Buchanan and Adams, and Lieutenant Contee, who had orders from me to receive them, and to reply under my instructions to their inquiries and verbal communications.

I was well aware that the more exclusive I should make myself, and the more exacting I might be, the more respect these people of forms and ceremonies would be disposed to award me; hence my object, and the sequel will show the correctness of these conclusions.

On anchoring off the city of Uraga, a commercial place distant twenty-seven miles from Yedo, and the place of anchorage of the "Columbus" and "Vincennes," and the British sloop of war "Mariner," the ships were immediately surrounded by numerous boats filled with men, many of whom attempted to get on board, but were, in obedience to my previous instructions, repulsed. One of the most conspicuous of these boats, having on board a person of distinction, was permitted alongside the flag ship, and the officer being asked his rank and business, answered that he was vice governor of Uraga,* and wished to see the officer commanding the squadron, in view of learning his object in coming to Japan; he was told that I would confer with no one but a functionary of the highest rank.

He still urged the necessity of his coming on board to make some inquiries, stating that he held the highest rank in the city, and was the proper person to visit the ship; but, on being peremptorily refused admission, he suggested, as an alternative, that he might be allowed to confer with an officer of rank corresponding with his own. To this proposition I consented, after some intentional delay, and my aid, Lieutenant Contee, was appointed to receive him, assisted by the interpreters, Messrs. Williams and Portman, one speaking Chinese and the other Dutch—the vice governor having an interpreter with him who conversed fluently in the Dutch language.

A conference followed, in which the vice governor propounded numerous questions, very few of which were answered. He was merely told, under instructions from me, that I had been sent on a friendly mission to Japan, with a letter from the President of the United States for the emperor, and it was my desire to have a personal interview with a dignitary of the highest rank, in order to make arrangements for the delivery of copies and translations of the documents with which I had been charged, preparatory to the formal presentation of the originals.

He replied, that Nagasaki was the only place, according to the laws of Japan, for negotiating foreign business, and it would be necessary for the squadron to go there; to which he was told that I had come purposely to Uraga, it being near to Yedo, and should not go to Nagasaki; that I expected the letter to be duly and properly received where I then was; that my intentions were perfectly friendly, but I would allow of no indignity, nor would I permit the guard-boats, which were collecting about the ships, to remain where they were, and if they were not immediately removed, I would disperse them by force. On having this interpreted to him, he suddenly left his seat, went to the gangway, and gave an order which caused most of the boats to return to the shore; but a few of them remaining in clusters, an armed boat from the ship was sent to motion them away, at the same time showing their arms, which had the desired effect, all of them disappearing; and we saw nothing more of them near the ships during the remainder of our stay. Here was the first important point gained.

The vice governor shortly after took his leave, saying that he had no authority to promise anything respecting the reception of the Presi-

* His name was subsequently ascertained to be Tabrake.

dent's letter, but in the morning an officer of higher rank would come from the city, who might probably furnish some further information.

On the following morning, the 9th, the governor of Uraga, "Kayama Yezaïmon," came on board, thus giving the lie to the vice governor, who declared himself of the highest authority in the city; and as this officer was of superior rank to the visitor of the day before, I directed that he should be received by Commanders Buchanan and Adams and Lieutenant Contee, still refusing to receive myself any one but a counsellor of the empire, (cabinet minister.)

The governor, after a long discussion, in which he more than once declared that the Japanese laws made it impossible that the letter should be received at Uraga, that the squadron must go to Nagasaki, and even if the letter of the President were to be received at this place, a reply would be sent to Nagasaki. In answer to this he was told that I would never consent to such arrangement, and would persist in delivering it where I then was; that if the Japanese government did not appoint a suitable person to receive the documents addressed to the emperor, I would go on shore with a sufficient force and deliver them, whatever the consequences might be.

On this being communicated to him, he said he would return to the city and send a communication to Yedo asking for further instructions; that it would require four days to obtain a reply; upon which he was told that I would wait until Tuesday, the 12th, three days, when I should certainly expect a definite answer. Accordingly he left the ship with the understanding that there would be no necessity for any further discussion until the time appointed for the delivery of the answer from court should arrive.

At this interview the original letter of the President, together with my letter of credence, were shown to the governor, encased as they were in the magnificent boxes which had been prepared at Washington, the exquisite workmanship and costliness of which evidently surprised his excellency, and, on leaving the ship, he made an offer for the first time of supplies of water and refreshments, but was told that we did not stand in need of anything.

I had directed that a surveying boat, well manned and armed, from each ship of the squadron, should commence at daylight this morning, the 9th, the survey of the harbor and bay of Uraga, and thinking it quite possible they might meet with some resistance, I instructed Lieutenant Silas Bent, in command of the surveying party, not to go beyond the range of our guns, and caused a look-out to be kept upon them, that assistance might be sent should they be attacked; but though they were followed by numbers of Japanese boats, they did not, on seeing our men well armed, venture to molest them.

The governor inquired what these boats were doing, and, on being told they were surveying the harbor, he said it was against the Japanese laws to allow of such examinations, and he was replied to, that, though the Japanese laws forbade such surveys, the American laws command them, and that we were as much bound to obey the American as he was the Japanese laws. Here was a second and a most important point gained.

The following day, *the 10th*, was Sunday, and no communication

was had with the Japanese authorities. A boat with some mandarins, accompanied by an interpreter, came alongside and requested to be admitted on board, but, on being asked if they had any business with the commodore, and they replying that they had no special business, but merely wished to have a talk, they were told by my order that they could not be received.

Monday, the 11th. The surveying boats were dispatched early this morning higher up the bay, and Commander Lee, in the Mississippi was directed to get his ship under way to protect them.

The governor, on seeing the Misssissippi going higher up than any foreign vessel had ever before ventured, came on board as I expected he would, though he was told on Saturday that there would be no necessity for further discussion until the reply from Yedo was received.

I had purposely sent the Mississippi and the boats on this service, being satisfied that the very circumstance of approaching nearer to Yedo with a powerful ship would alarm the authorities and induce them to give a more favorable answer to my demands, and so it happened—the governor pretending that his visit to the ship was to bring information that it was very probable the letters (meaning, as I then supposed, the translations of the originals) would be received on the following day and forwarded to Yedo; but he evidently came to ascertain for what purpose the Mississippi and the surveying boats had ascended the bay, and soon put the question.

Anticipating such an inquiry, I directed that he should be informed that unless the business which brought the squadron to these waters was arranged at this time, I should return in the ensuing spring with a larger force, and, as the anchorage in front of Uraga was not convenient or safe, I was desirous of seeking a more favorable situation nearer to Yedo, which would make our communications with that city more convenient.

Tuesday, July 12th. This being the day on which a reply was to be received from Yedo, the governor was on board by 10, a. m., accompanied by two interpreters.

But previously to his arrival I had written the following letter to the emperor, not supposing that he would so readily accede to my demands, and appoint a cabinet minister to meet me, as will be seen by the events of the day that he had already done:

"UNITED STATES STEAM FRIGATE SUSQUEHANNA,
"*Uraga, July* 12, 1853.

"The commander-in-chief of the United States naval forces in these seas, being invested with full powers to negotiate treaties, is desirous of conferring with one of the highest officers of the empire of Japan, in view of making arrangements for the presentation of the original of his letter of credence, as also the original of a letter with which he is charged, addressed to his imperial majesty by the President of the United States.

"It is hoped that an early day will be appointed for the proposed interview.

"To his Imperial Majesty the EMPEROR OF JAPAN."

The governor then went on to say that there had been a misapprehension as to the delivery of the translations of the papers before the originals had been received. Although I was certain there had been no such misunderstanding, nevertheless, I consented, after there had been much discussion, to deliver the translations and originals, as also a letter from me to the emperor at the same time, provided the emperor should appoint a suitable officer to receive them at my hands, and I repeated that I would consent to deliver them to no other than a dignitary of the highest rank. The governor then said that a building would be erected on shore for the reception of myself and suite, and a high official personage, especially appointed by the emperor, would be in attendance to receive the letters; that no answer would be given here, but it would be transmitted to Nagasaki, through the Dutch or Chinese superintendents. This being reported to me, I wrote the following memorandum, and directed it to be translated into Dutch, and fully explained to the governor:

'The commander-in-chief will not go to Nagasaki, and will receive no communication through the Dutch or Chinese.

"He has a letter from the President of the United States to deliver to the emperor of Japan or to his secretary of foreign affairs, and he will deliver the original to none other; if this friendly letter of the President to the emperor is not received and duly replied to, he shall consider his country insulted, and will not hold himself accountable for the consequences.

"He expects a reply of some sort in a few days, and he will receive such reply nowhere but in this neigborhood."

Upon the receipt of this he went on shore, probably to consult some higher authority, as doubtless there were more than one high officer of the court at Uraga, secretly directing the negotiations. He returned in the afternoon to the ship, with the assurance that a very distinguished personage, properly accredited by the emperor, would be appointed to receive me on shore the day after to-morrow, and, being asked what proof I should have of his rank and the validity of his credentials, he said he would bring on board certified copies of the original documents, in order that I should be fully satisfied.

He was then asked where the reception was to take place, to which he replied at a small village (Gore-hama) situated at the head of the bay, since named Reception bay on our chart, about a Japanese mile from Uraga. The inquiry was then made why the meeting could not take place in one of the houses or forts opposite the ships, to which he replied that he would ascertain if such arrangement could be made, and would give an answer in the morning, saying he should be on board early to bring the promised papers and to announce the arrival of the dignitary who had been appointed to receive me. The surveying boats were actively engaged all this day.

Wednesday, July 13.—The governor came on board in the afternoon of this day, apologizing for not being earlier, by saying that the high officer from Yedo had only just arrived; he brought with him the original order of the emperor addressed to the functionary who had to receive me, as also a copy and translation of the same in Dutch, and a certificate of his own verifying the authenticity of the appointment; he

also said that the person appointed by the emperor had no power to enter into discussion with me, but was empowered merely to receive the papers and carry them to his sovereign.

Here follow translations of the papers referred to:

Translation of letter of credence given by the Emperor of Japan to his highness, Toda, Prince of Idzu.

"I send you to Uraga to receive the letter of the President of the United States to me, which letter has recently been brought to Uraga by the admiral, upon receiving which you will proceed to Yedo, and take the same to me."

[Here is the emperor's seal.]

"SIXTH MONTH IN 1853."

Translation of certificate of Kayama Yezaiman, Governor of Uraga, verifying the authenticity of the emperor's letter and seal.

"You can rest assured that the high officer who has been accredited by the emperor of Japan himself, and who consequently comes here to Uraga from Yedo for the purpose of receiving the original and translated letters, is of very high rank, equal to that of the lord admiral. I do assure that.

"KAYAMA YEZAIMAN."

The governor remarked that he had made inquiry as to the practibility of changing the place of meeting, and said that a suitable building had already been constructed, and it would be inconvenient to make a change. This reply I had expected and was prepared for, and not knowing whether any treachery was intended, had ordered the surveying party to examine the little bay at the head of which the building had been erected for my reception. They promptly performed the service, and reported that the ships could be brought within gun shot of the position where they observed great numbers of people employed in the completion of the building, transporting furniture, &c. Accordingly I directed the squadron to be removed in the morning to an anchorage in line covering the whole bay, being determined to prepare against the well-known duplicity of the people with whom I had to deal, the object of selecting the place of meeting not being clearly explained to my mind.

Thursday, July 14th.—This being the day appointed for my reception on shore, and every preparation having been made for landing a formidable escort, composed of officers, seamen, and marines, from the respective ships, about 400 in number, all well armed and equipped, and being ready for disembarcation, the two steamers moved to a position commanding the proposed landing-place, (the sloops-of-war not being able to move for want of wind,) and shortly after the detachments forming the escort were in the boats, and on their way to the shore, where they landed and formed, and were immediately followed by me.

The whole shore of the bay, extending more than a mile, was crowded with Japanese troops—from five to seven thousand—drawn

up under arms. These troops were composed of cavalry, artillery, infantry, and archers; some of the infantry with flint muskets, others with match-locks.

On landing, I proceeded at once to the building erected for the purpose, and was there received by the prince of Idzu, first counsellor of the emperor, and his coadjutor, the prince of Iwami. To the former of these I presented the President's letter, my letter of credence, and three communications from myself, together with transcripts of the same in the English, Dutch, and Chinese languages, for which the prince of Idzu gave me a receipt.

The princes were attended by the governor of Uraga, the chief interpreter, and a secretary.

As it was understood that there was to be no discussion at this meeting, I remained but a short time, taking my departure and embarking with the same ceremony with which I had landed.

[Translation of receipt given by the Princes of Idzu and Iwami to Commodore Perry.]

"The letter of the President of the United States of North America, and copy, are hereby received and delivered to the emperor. Many times it has been communicated that business relating to foreign countries cannot be transacted here in Uraga, but in Nagasaki. Now it has been observed that the admiral, in his quality of ambassador of the President, would be insulted by it; the justice of this has been acknowledged; consequently the abovementioned letter is hereby received, in opposition to the Japanese law.

"Because the place is not designed to treat of anything from foreigners, so neither can conference nor entertainment take place. The letter being received you will leave here."

[Here follow fac similes of signatures in Japanese.]

"THE NINTH OF THE SIXTH MONTH."

The above is a literal translation from the Dutch, in which language the conferences were held, and into which the receipt of the chief counsellors, the princes of Idzu and Iwami, was, doubtless, badly translated from the Japanese by their interpreter.

The following would probably be the correct translation from the Japanese:

"The letter of the President of the United States of North America and copy are hereby received, and will be delivered to the emperor.

"It has been many times intimated that business relating to foreign countries cannot be translated here in Uraga, but at Nagasaki; nevertheless, as it has been observed that the admiral in his quality of ambassador of the President would feel himself insulted by a refusal to receive the letter at this place, the justice of which has been acknowledged, the above mentioned letter is hereby received in opposition to the Japanese law.

"As this is not a place wherein to negotiate with foreigners, so neither can conferences nor entertainment be held. Therefore, as the letter has been received you can depart."

[Signatures as before.]

To show these princes how little I regarded their order for me to

depart, on getting on board, I immediately ordered the whole squadron underway, not to leave the bay as they doubtless expected, but to go higher up, having determined to examine the channel towards Yedo, being satisfied that the employment of so large a force in surveying service and so near the capital, and in waters hitherto unknown to foreigners, would produce a decided influence upon the pride and conceit of the government, and cause a more favorable consideration of the President's letter.

The four ships stood off in a line abreast, running lines of soundings across the bay, until they passed out of sight of Uraga, and at night anchored at a place I have called "American anchorage," ten miles higher than any foreign vessel had ever ascended before.

The following morning, the 15th, the surveying boats were early at work sounding still further up the bay, and in the afternoon, I ascended in the Mississippi ten miles higher, taking the ship within seven miles of Yedo, and twenty miles higher than the usual anchorage at Uraga. We could distinctly see the port or shipping place of Yedo filled with innumerable junks, but the city containing, like those of China, nothing but low buildings, was hidden behind a projecting point.

I might have gone still higher, but was apprehensive of causing too much alarm, and thus throwing some obstacle in the way of a favorable reception at court of the President's letter, which I had delivered only the day before, and which was probably then under consideration; and, thinking that I had done enough to work upon the fears of the emperor, without going too far in my experiment, I caused the ship to rejoin the squadron at the "American anchorage."

In my absence the governor of Uraga came alongside the Susquehanna, apparently very much annoyed at the motions of the Mississippi, and said, probably as an excuse for coming so far from his city, that the letter of the President had been received at court, and would doubtless have a favorable consideration, and he begged the acceptance of a few presents. As I had previously given orders that no one should be admitted on board the ship without my especial permission, neither he nor the presents were received, and he went on shore with the expressed intention of returning the following morning.

During the day all the boats that could be spared from the ships, twelve in number, were busily engaged in surveying the western shore of the bay above Uraga.

The next day, being Saturday, the 16th, the ships were at daylight moved to a bay about five miles above Uraga, which I have called "Susquehanna bay," in the survey of which the boats were now employed. The governor was alongside before we had anchored, and with a renewal of his prediction of the favorable reception of the President's letter. Nothing was said now of sending the answer to Nagasaki, and it seemed the nearer we approached the imperial city the more polite and friendly they became.

He was told, by my orders, that the presents which he brought alongside could not be received if others from me were not accepted in return. To this he at first demurred, by interposing the invariable plea that the Japanese law forbade it, upon which he was answered that *our* laws enjoined a reciprocity of courtesy, and his presents would

not be received. Finding me resolute upon this, as upon all other points of ceremony, he consented to receive in return whatever (excepting arms) I might be disposed to present. Consequently some few articles of more value than those he brought were sent on deck, and when he saw them he declared they were of too much value, and he dared not take on shore anything but what his interpreter and himself could conceal about their persons, when he was informed that if he could not receive the articles openly and without concealment I would send those which he had brought on board back into his boat. Upon this he left the ship, carrying with him all my gifts, excepting three swords, which he was permitted to leave.

In the afternoon he came on board with a trifling present of poultry and eggs, and, determining to be under no obligation to these people, I sent in return presents of greater value to the wives of the governor and his interpreters.

Here was another point gained in the unprecedented circumstance of their consenting to exchange presents.

Having completed the survey of the west side of this magnificent bay from Uraga to a point about 14 miles below Yedo, and sounded with the Mississippi and boats six miles nearer to that city, and acquiring a sufficient knowledge of the bay to conduct the Vermont to the American anchorage, and higher if necessary, I thought it advisable to return to Lew-Chew, intending to dispatch the Saratoga, after we cleared the coast of Japan, to Shanghai, and employ the other vessels on the way in the further examination of the island Oho-sima, but, unfortunately, before reaching that island we encountered a severe gale, which in part defeated the object.

It has already been observed that, in adherence to my previous determination, I had no personal communication with the governor of Uraga, the officer employed by the Japanese government to visit the ship and conduct the preliminary arrangements for my reception; the only persons with whom I had an interview were the princes of Idzu and Iwami; consequently the conferences with the governor were conducted on my part by Commanders Buchanan and Adams, and Lieutenant Contee, assisted by the Chinese interpreter, Mr. S. Wells Williams, and by the Dutch interpreter, Mr. Portman. Although these officers acted under my immediate instructions and were in constant communication with me, much credit is due to them for managing the discussion with great judgment and skill.

I take pleasure, also, in commending the coolness and industry with which the surveying officers under Lieutenant Silas Bent, conducted their laborious duties.

It is proper that I should add, in conclusion, that the governor, in the several conferences on shipboard, evinced great anxiety to learn how long I intended to remain upon the coast, remarking repeatedly that it was the custom of the Japanese government to be very slow in deciding upon matters having reference to foreign countries. Upon these representations, and knowing that the propositions contained in the President's letter were of such importance as to require time for deliberation, overturning as they would, if acceded to, many of the fundamental *laws of the empire*, I deemed it advisable not to wait for a *reply, and for the following* reasons:

I had not provisions or water sufficient to allow of my remaining on the coast more than a month longer. I well knew that they could easily and very reasonably defer for a long time any satisfactory reply, for reason of the alleged necessity of calling together and consulting the princes of the empire, as also to consult the dairi or ecclesiastical emperor. Thus I should be put off from day to day, and ultimately be obliged to sail without any satisfaction whatever. This would be construed into a triumph by them and cause a serious injury to the success of my mission.

Taking into view, also, the present disturbed state of China, and the need of one or more ships of the squadron in that quarter, and considering that not a single vessel which had been promised by the department should immediately follow me had yet joined my force, and being without the presents sent from the United States, and those expected in the Vermont, I was glad to have a good excuse for consenting to wait until the ensuing spring for the final answer of the Japanese government.

In the spring I shall have concentrated my whole force, and be prepared with store and coal vessels, and all other conveniences for remaining, if it be necessary, an indefinite time, to secure such concessions as I believe they will be constrained to make.

The exhibition of so large a force, and a continuation of the policy so far successfully pursued, and having given them full time for the consideration of the propositions of the President, I shall be prepared to act very decidedly, and, I trust, with continued success, provided there shall be no curtailment of the force promised me by the government before my departure from home.

Under these considerations I determined to make a credit of necessity, and accordingly prepared a letter, to be delivered with other documents, on the occasion of my reception on shore; but which, of course, would have been withheld if an unfriendly course had been adopted by the Japanese government. The following is a copy of the letter just referred to, and which accompanied the other papers:

Commodore Perry to the Emperor.

"UNITED STATES STEAM FRIGATE SUSQUEHANNA,
"*Uraga, Yedo Bay, July* 14, 1853.

"It having been represented to the undersigned that the propositions submitted through him, to the government of Japan, are of so much importance, and involves so many momentous questions, that much time will be required to deliberate and decide upon their several bearings;

"The undersigned, in consideration thereof, declares himself willing to await a reply to these propositions until his return to Yedo bay in the ensuing spring, when he may confidently hope that all matters will be amicably arranged, and to the satisfaction of the two nations.

"With profound respect,

"M. C. PERRY,
"*Commander-in-chief of the United States naval forces*
"*in the East India, China, and Japan seas.*

"TO HIS IMPERIAL MAJESTY,
"the Emperor of Japan."

It will be perceived by a perusal of the foregoing notes, that in the eight days the squadron remained in Yedo bay I was successful in gaining several important advantages, hitherto denied to all other nations, excepting in a very limited degree to the Dutch and Chinese, and awarded even to them at the expense, on their part, of the most degrading concessions:

First. Guard-boats, which have, up to this time, surrounded foreign ships by hundreds, were immediately dispersed by my orders.

Second. Extensive surveys were made of waters hitherto unknown to foreigners, within a few miles of Yedo, and under the guns of numerous batteries.

Third. The accomplishment of my predetermined intention to confer with no one but a dignitary of the highest rank in the empire, and of being received in a manner honorable to my government and myself, and without the slightest deviation on my part from those simple rules of diplomatic courtesy recognized by our institutions. Whilst the governor of Uraga prostrated himself on every occasion of addressing the prince of Idzu, myself and staff were quietly seated opposite the princes Idzu and Iwami and their secretary, with no more ceremony than was due to a similar conference with any other commissioner duly accredited.

Fourth. I required in the receipt and delivery of presents, conformably to invariable eastern custom, that the United States should be on a footing of equality, thus destroying the presumed claim hitherto held forth by China and Japan, that all presents to the respective emperors have been tendered as tributes to superior powers.

And lastly. I have endeavored to inculcate the idea, that as the government of the United States is superior in power and influence to Japan, so its overtures have been dictated alone by a desire to be on terms of amity with all nations, to give protection to our seamen and other citizens, and especially to cultivate a friendly intercourse with an empire whose geographical position has been brought by the power of steam commercially near to our Pacific ports.

Respectfully submitted,

M. C. PERRY,

Commander-in-Chief United States Naval Forces,
East India, China, and Japan Seas.

UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Napa Keang, Lew-Chew, July 30, 1853.

Commodore Perry to the Emperor.

U. S. STEAM FRIGATE SUSQUEHANNA,
Off the coast of Japan, July 7, 1853.

The undersigned, commander-in-chief of all the naval forces of the United States of America stationed in the East India, China and Japan seas, has been sent by his government to this country, on a friendly mission, with ample powers to negotiate with the government of Japan, touching certain matters which have been fully set forth in the letter of the President *of the United* States, copies of which, together with copies

of the letter of credence of the undersigned, in the English, Dutch, and Chinese languages, are herewith transmitted.

The original of the President's letter, and of the letter of credence, prepared in a manner suited to the exalted station of your imperial majesty, will be presented by the undersigned in person, when it may please your majesty to appoint a day for his reception.

The undersigned has been commanded to state that the President entertains the most friendly feelings towards Japan, but has been surprised and grieved to learn that when any of the people of the United States go, of their own accord, or are thrown by the perils of the sea, within the dominions of your imperial majesty, they are treated as if they were your worst enemies.

The undersigned refers to the cases of the American ships Morrison, Lagoda, and Lawrence,

With the Americans, as indeed with all Christian people, it is considered a sacred duty to receive with kindness, and to succor and protect all, of whatever nation, who may be cast upon their shores, and such has been the course of the Americans with respect to all Japanese subjects who have fallen under their protection.

The government of the United States desires to obtain from that of Japan some positive assurance that persons who may hereafter be shipwrecked on the coast of Japan, or driven by stress of weather into her ports, shall be treated with humanity.

The undersigned is commanded to explain to the Japanese that the United States are connected with no government in Europe, and that their laws do not interfere with the religion of their own citizens, much less with that of other nations.

That they inhabit a great country, which lies directly between Japan and Europe, and which was discovered by the nations of Europe about the same time that Japan herself was first visited by Europeans; that the portion of the American continent lying nearest to Europe was first settled by emigrants from that part of the world; that its population has rapidly spread through the country, until it has reached the shores of the Pacific ocean; that we have now large cities, from which, with the aid of steam-vessels, we can reach Japan in eighteen or twenty days; that our commerce with all this region of the globe is rapidly increasing, and the Japan seas will soon be covered with our vessels.

Therefore, as the United States and Japan are becoming every day nearer and nearer to each other, the President desires to live in peace and friendship with your imperial majesty, but no friendship can long exist, unless Japan ceases to act towards Americans as if they were her enemies.

However wise this policy may originally have been, it is unwise and impracticable now that the intercourse between the two countries is so much the more easy and rapid than it formerly was.

The undersigned holds out all these arguments in the hope that the Japanese government will see the necessity of averting unfriendly collision between the two nations, by responding favorably to the propositions of amity, which are now made in all sincerity.

Many of the large ships-of-war destined to visit Japan have not

yet arrived in these seas, though they are hourly expected; and the undersigned, as an evidence of his friendly intentions, has brought but four of the smaller ones, designing, should it become necessary, to return to Yedo in the ensuing spring with a much larger force.

But it is expected that the government of your imperial majesty will render such return unnecessary, by acceding at once to the very reasonable and pacific overtures contained in the President's letter, and which will be further explained by the undersigned on the first fitting occasion.

With the most profound respect for your imperial majesty, and entertaining a sincere hope that you may long live to enjoy health and happiness, the undersigned subscribes himself,

M. C. PERRY,
Commander-in-chief of the United States naval forces in the East Indies, China, and Japan seas.

To His Imperial Majesty,
the Emperor of Japan.

Note.—The foregoing embraces the substance of the language used in my instructions from the Navy Department.

M. C. P.

The Secretary of the Navy to Commodore Perry.

United States Navy Department,
Washington, November 14, 1853.

Sir: Your several dispatches, bearing date August 3, 1853, have been received. I have perused them with much interest and avail myself of this occasion to assure you of my gratification that your long and perilous voyage to Japan and return to China have been accomplished successfully, and that, in the experiment of attempting to secure intercourse with that singular people, you were so well sustained by the prompt and efficient co-operation of the officers and men under your command.

These communications have all been submitted to the President, who, while he would be happy to see your interesting mission crowned with success, and would aid you as far as he can legitimately, desires to impress you with his conviction that the great end should be attained, not only with credit to the United States, but without wrong to Japan. I need not remind you that your mission is one of peaceful negotiation, and that, although in consideration of the peculiar character of the Japanese much importance may well be attached to the exhibition of impressive evidences of the greatness and power of our country, no violence should be resorted to except for defence.

It is very desirable to make our navy an efficient branch of the government, both in extending and protecting commerce and trade; but as Congress alone has power to declare war, too much prudence cannot be exercised, even in the great work in which you are engaged.

These suggestions are not made to discourage your laudable zeal, nor to detract from the magnitude of your mission. Every confidence is reposed in your judgment and patriotism. They have, however been called *forth by a portion* of your interesting notes, in which you

express some hope of success in the spring by operating on the fears of the Japanese, but speak, at the same time, of the number of the batteries already erected on the shore to "expel the Americans," and of the probability of more being constructed before spring, thereby intimating the opinion that they are preparing to give you a warlike reception. The following are the portions of your dispatches to which I refer:

"The land is highly cultivated and the shores are lined with flourishing towns and villages, intermingled with *batteries;* and the waters are everywhere covered with large and commodious boats.

"Many of the batteries are new and seem to have been planned with some regard to the rules of engineering; others are in progress of construction, designed probably to expel the Americans from their coasts. Doubtless many others will be erected before the ensuing spring for the same object; but with the force I shall have, and especially with the aid of the Vermont, I shall not be deterred from penetrating to the very head of navigation in the bay, and within three or four miles of Yedo, perhaps within gun-shot.

"It is very certain that the Japanese can be brought to reason only through the influence of their fears, and when they find that their sea-coast is entirely at the mercy of a strong naval force they will be induced, I confidently hope, to concede all that will be asked of them; and I feel assured that, even if they cannot be brought to any treaty arrangement, strangers who may hereafter be thrown upon their shores will be treated with kindness."*

If the department desired to add the Vermont to your force, as was contemplated by my predecessor, it cannot be done, on account of the impossibility of procuring seamen. Vessels already manned cannot be spared, as their services are otherwise more urgently needed.

When the Saratoga leaves you, and after supplying the Hon. Mr. McLane, commissioner to China, with the steamer directed by this department on the 28th ultimo, you will have still two steamers, and, on the arrival of the Macedonian, three sloops-of-war, besides the store-ships. The President entertains the opinion that this force will be amply sufficient for all purposes of defence, and will be an exhibition of power calculated to impress the Japanese favorably, and effect the object of your mission, so far as naval force can effect it, unless landing large bodies of men and invasion be contemplated, which Congress, in its wisdom, I presume, will not be disposed to sanction in a country so remote without great provocation. Mr. McLane goes to China with every disposition to co-operate with you, and will, no doubt, aid you as far as possible.

Your presence and personal observation of the state of affairs of course enabled you to judge more correctly of what was expedient than those who are remote from the scene; but in consideration of the vast expense, and the great need of some of your squadron for other important purposes, it is much to be regretted that final action should have been postponed to so late a period as next spring.

The President desires that as you have advanced thus far, and have

* These extracts have been copied from a confidential communication not sent to Congress.—P.

given notice of your intention to return in the ensuing spring, you will accordingly proceed to Japan and resort to every honorable and reasonable effort to persuade the Japanese to abandon their inhospitable and unsocial system and to effect a treaty of amity and commerce.

You will, on your return to China, give our commissioner, as well as this department, information of the results of your efforts, and cooperate with him in the execution of his mission to China.

You think that in the saving of coal it will be economy to hire a small steamer on your next visit to the bay of Yedo. If this is your judgment, the department approves of such a course, and takes this occasion to suggest that, in consideration of the great expense attending the delivery of coal in the East Indies, it is very important that steam should only be used when in your judgment it is indispensably necessary.

A copy of the instructions from the State Department to Mr. McLane is herewith enclosed. Mr. McLane has been furnished with a copy of this dispatch to yourself.

Wishing you every success in your enterprise, I am, respectfully, your obedient servant,

J. C. DOBBIN,
Secretary of the Navy.

Commodore M. C. PERRY,
Commanding United States Squadron, East India and China seas.

Commodore Perry to the Secretary of the Navy.

[No. 18.] MACAO, CHINA, *August* 31, 1853.

SIR: I have the honor to transmit herewith copies of certain communications which have passed between the American merchants at Canton and myself.

It is evident, as well from the representations of these gentlemen as from common observation, that elements are at work in China which, at no distant period, will bring about a change of dynasty, and a state of things more consonant with the enlightenment of the present age.

The prospective chances of success of the opposing parties are much in favor of the insurgents, or, as they may now be more correctly styled, revolutionists.

Up to this time, the latter have exercised great discretion with respect to resident foreigners, seeming rather disposed to conciliate than to oppress, the missionaries, who alone have come in immediate contact with them; indeed, they pretend to a profession of faith somewhat analagous to the Christian religion, and have kindly received the visits of a Mr. Taylor, American missionary, and invited amongst them a Mr. Roberts, also an American, who, it appears, is a personal friend of one of the chiefs of the revolutionary party.

It is difficult to obtain accurate information as to the movements of the contending armies. The general opinion, however, is that the fortunes of the revolutionists are in the ascendant, and that Pekin has already, *or must soon, fall into* their hands.

The occcupation of the seat of government will probably decide the question of Chinese ascendancy and the overthrow of the Tartar dynasty. But years will elapse before any solid government can be permanently established. At present there is little organization in the revolutionary camp.

It is most certainly the true policy of the United States and England (the only two powers having extensive commercial relations with China) to remain quiet, and to wait the proper time for action, and when that time does arrive, to push with energy the doctrine of international rights and privileges, stopping nothing short of an open recognition on the part of the dominant power of a more liberal commercial and social intercourse, and of our right to establish a resident minister at Pekin.

The Americans are looked upon with more favor than the English, as the incidents of the opium war are still indignantly remembered by the Chinese; and I feel assured that we should have the advantage in negotiation, provided no false step is made before the ultimate issue of the war is fully ascertained.

A friendly advance to one party would injure our interests with the other, if perchance we should approach the losing side. Hence one of the reasons which induced me to stop the movements of the Susquehanna, so strangely authorized by Commander Kelly, and to decline co-operation with Mr. Marshall in his desired attempts to reach Pekin—an experiment which I believe would have proved abortive, and led to injurious consequences.

If we remain quiet, our relations with the Tartar government, should it triumph, cannot be in the least affected; and should the revolutionary party succeed, we shall be greatly the gainers. Therefore, for the present, the exercise of a "masterly inactivity" is our best policy, whilst all our energies should be turned to the bringing within the family of commercial, or at least trading nations, the empire of Japan and its dependencies.

The first step has already been successfully taken, and I feel a strong hope that, if left to act alone, and nothing interferes to derange my plans, I shall be ready in the early spring to carry out the expectations of the government.

Meanwhile the ships are usefully employed upon this coast, and in surveying.

I append two extracts from the circular of Messrs. Nye, Parker & Co., most intelligent merchants; as also a copy of a report of Lieutenant Commanding Sinclair, as illustrative of the foregoing remarks.

With great respect, I have the honor to be, your most obedient servant,

M. C. PERRY,
Commander-in-Chief United States naval forces in the East India, China, and Japan seas.

To the Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP SUPPLY,
Hong Kong, August 28, 1853.

SIR: I have the honor to report to you the arrival of this ship, under my command, from Lew-Chew, via Amoy, at which port I touched, in obedience to your order of July 31st, ultimo, and remained four days.

The rebels, eighteen thousand in number, still hold possession of the city, and business of every kind has been suspended for three months past. The persons and property of all foreigners have been most scrupulously respected, and not one act of violence or indignity has been offered to any individual; nor do they fear anything of the sort will occur. There are only three Americans in Amoy—two missionaries and our consul—and no American trade direct. The only commerce with the United States is carried on through other ports in China.

I am, sir, respectfully, your obedient servant,

A. SINCLAIR,
Lieutenant Commanding.

To Commodore M. C. PERRY,
Commanding United States naval forces,
East India, China, and Japan seas.

CANTON, *August* 18, 1853.

SIR: We, the undersigned, American merchants, beg leave to offer your excellency our congratulations upon your safe return to China, and upon the satisfactory result of your initiative visit to Japan.

We hear with great satisfaction that you will remain here, and retain the most of the ships under your command upon these coasts until the period of your proposed return to that country, in prosecution of the further objects of your mission in the ensuing spring; and we esteem it a most fortunate circumstance for the material interests of our country, that so powerful and efficient a force, commanded by an officer so justly entitled to the confidence of his government, will be held available for the protection of interests of such magnitude during the next six months—a period which has in it all the uncertainties incident to the state of complete disorganization into which this empire has fallen.

We can, indeed, scarcely magnify the importance of the present crisis in the affairs of this country, or the influence of such a state of things upon the prosperity of our commerce and the safety of our intercourse.

It is, we believe, now apparent to all observers that we are witnessing the overthrow of the government of the Tartars, whilst as yet we look in vain for a power to replace it upon a settled and firm basis. Although the majority of the Chinese people are distinguished by a disposition to cultivate the peaceful pursuits of industry and commerce; and although we have every reason to believe that the revolutionists are favorably disposed to foreign intercourse, and these are almost of great promise for the future prosperity of our trade, yet it cannot be disguised that, should the present convulsed state of things be prolonged, this mutually beneficial trade will continue to dwindle away, if it does not, in respect to the importation of American goods, which is of *great importance to* our country, suffer a complete extinction; but

whilst we allude to these more remote consequences of this struggle for empire, our more immediate purpose and wish is to call your attention to the present condition of affairs here, with a view of obtaining more available protection for a large amount of property that is here constantly exposed to the violence of a mob or the strife of contending forces.

We are sensible of your vigilance in behalf of these interests, and acknowledge with extreme satisfaction the prompt sending of the steamer Mississippi to the lower reach of Whampoa, on your arrival at Hong Kong; and we are the more ready to address you upon these points, because we see every indication of a desire to render all possible protection to the interests in our charge; our purpose, indeed, is rather to convey information as to the most available and efficient modes of affording such protection than to suggest a course of proceeding.

We wish, in this sense, to state that so completely paralyzed is the power of the government that it may be said that the whole country about Canton is swarming with thieves and desperate fellows, who are lying in wait for an opportunity to attack and plunder the foreign residences, if not to wreak their vengeance upon the persons of their occupants. We have long been protected, in common with British subjects, by a steamer or sloop-of-war of her Britannic majesty, stationed near the factories, in the Macao passage, or directly in their front; and we beg to say that we believe the Vandalia might be anchored in the Macao passage with perfect safety, as respects the draught of water, or that even the Mississippi might proceed up the Blenheim reach to a point within about two miles of the factories, where her Britannic majesty's ship Blenheim of seventy guns was anchored for a number of weeks, in 1841. In either of these positions the force would be made available with perfect ease, in case of a fire or of any other cause of a sudden outbreak; whereas, from the present position of the Mississippi no aid could be furnished in time to protect life and property efficiently; and we beg leave to add, for your information, that the freshets are much less strong in the Macao passage than in the Junk river, and that the southwest monsoon, or summer wind, is much more regular; so that, in all respects, the stations we indicate are preferable to the lower reach.

With these remarks, and the offer to give you any further information or assistance in our power,

We are, sir, with great respect, your obedient servants,

NYE, PERKINS & CO.
AUGUSTINE HEARD & CO.
H. A. MORE & CO.
KING & CO.
JAMES PURDON.
RUSSELL & CO.
HENRY H. HUBBELL.
W. C. HUNTER.
WM. D. LEWIS.
LIONEL MOSES.
THOMAS WALSH.

His Excellency COMMODORE PERRY, Macao.

MACAO, *August* 24, 1853.

GENTLEMEN: I have have had the honor of receiving your communication of the 18th instant, in which you describe the present threatening aspect of political affairs in China, and speak of the necessity of prompt assistance should sudden commotions arise in Canton.

I hardly need assure you, in reply to the flattering expressions contained in your communication, that as it ever has been my desire, during a long course of service, to dispose of the forces placed at my command in such manner as in my judgment would best subserve the honor and interests of our common country, so I shall be prepared for the present, and until a special duty calls me elsewhere, to adopt every means of securing the lives and property of American citizens in China, and I trust that a lapse of a few weeks will furnish information enabling us to judge more advisedly of the probable issue of events.

It will be perceived by reference to the enclosed copy of an order, that I have directed an examination of the river above Whampoa, in view of moving the "Mississippi" higher up. Meanwhile, if the merchants of the city deem it expedient, a guard of marines, and one or more pieces of artillery can be sent from that ship to remain at the Factory; and Commander Lee will be prepared, upon requisition of the acting vice-consul, Mr. R. T. Sturgis, to land, at a moment's notice, an advance guard, to be followed, if need be, by a much larger force, composed of detachments from the other ships in the river.

On inquiry of Captain Endicott and others, I learn that the Mississippi, drawing as she does, when light, nearly 19 feet, cannot ascend to the point indicated in your letter; but I expect in a few days the storeship Supply, which vessel has an efficient armament, and room for the accommodation of 150 men. She can reach the city, and, if it be found necessary, will, on arrival, be immediately dispatched.

Thus, having a large ship at Whampoa in readiness to land her officers and crew, and one of lighter draft abreast the city, sufficient protection will be afforded not only to the property of our own countrymen, but to that of all the foreign residents, as it is equally my wish to render assistance, if required, to the people of all nations whose safety may be endangered by unlawful violence.

With great respect, I have the honor to be your most obedient servant,

M. C. PERRY,

Commander-in-chief U. S. naval forces,
East India, China, and Japan Seas.

To Messrs. NYE, PERKINS & Co., AUGUSTINE HEARD & Co., WETMORE & Co., KING & Co., JAMES PURDON, RUSSELL & Co., HENRY H. HUBBELL, W. C. HUNTER, WM. D. LEWIS & Co., LIONEL MOSES, THOMAS WALSH.

P. S. If there should be any delay in the arrival of the Supply, I shall send the storeship Southampton to the city as soon as she can be partly discharged.

Commodore Perry to the Secretary of the Navy.

[No. 20.] MACAO, *September* 2, 1853.

SIR: In connexion with my previous communications, Nos. 18 and 19, I now have the honor to inform the department of the condition of the vessels of my command, their present employment, &c.

Susquehanna, present flag-ship, at Cum-Sing-Moon, Canton river, not in good condition, but with care and watchfulness, will answer for another season on the station.

Mississippi, at Whampoa, for the protection of the merchants in Canton, in good condition, and ready for any service.

Powhatan, now at Hong Kong, just arrived from Lew-Chew, and ordered to Cum-Sing-Moon for repairs of engine and boilers, which will require a period of two months, and will be done by workmen of the squadron. This vessel is not in good condition, but I hope on examination to give such instructions as will remedy some of her many defects.

Macedonian, just arrived from the United States, at Cum-Sing-Moon, in readiness to proceed to any point where her services may be needed.

Vandalia, just arrived from United States, the same.

Saratoga, protecting American interests at Shanghai, and undergoing repairs; having, by examination of her bottom by sub-marine apparatus, discovered an injury to her forefoot, occasioned by the vessel getting on shore before my arrival on the station. I have thought it unsafe to send her home without these repairs.

Plymouth, in good condition, at Lew-Chew, to sustain the position assumed by me with respect to the authorities of those islands, and to look after a small depot of coal I have established at Napa, preparatory to ulterior movements.

Commander Kelly has also instructions to continue the surveys previously commenced of Great Lew-Chew, and to proceed after the typhon season is over, to the survey of the southern group of the Bonin Islands.—(See copies of accompanying instructions to, and report of, Commander Kelly, lettered A B C.)

The storeship Supply, just arrived from Lew-Chew, via Amoy, in good order; she being the only vessel of the squadron of sufficiently light draft to ascend the river as far as Canton, has been ordered to take her station opposite the city for the protection of merchants, in case of an outbreak, hourly expected; she will have a guard of marines temporarily attached to her.

The Southampton, in good condition, just arrived from Valparaiso, is now discharging.

It is impossible to predict with any certainty the issue of events in China, each day may bring about some important change, and months may elapse without the occurrence of a single event of moment.

I may well hope, however, that something may transpire to calm the present alarm of the merchants at Canton, before it will be necessary for me to proceed with my whole force again to Yedo, in accordance with the intentions expressed by me in writing to the emperor.

The ultimate success of this mission will depend entirely upon the

means I may have of keeping up the moral influence upon the government of Japan, which my first visit imposed.

It is only by working upon the fears of the rulers (for the people are friendly enough) that the least particle of justice can be obtained from them; hence my anxiety to carry with me the most imposing force I can collect, not so much for actual coercive purposes, as for an object strictly diplomatic; not only because it will hasten, but make more certain a favorable result.

To this end I shall retain the three storeships until after my visit to Yedo. These being armed, will answer the double purpose of adding to the number of ships, and of carrying coals and provisions; thus enabling the steamers to remain upon the coast until the Japanese government can have no longer an excuse for not coming to terms.

One or more of these, together with the Saratoga and Plymouth, I propose to dispatch by May or June to the United States, direct from Japan, thus establishing the first communication by ships between the two countries.

However I may regret the causes which have made it necessary to withdraw the Vermont and Alleghany from my command, it is my duty to do the best I can with the means placed at my disposal.

And I trust that there will be no change in my instructions that will divert me from this great object of my life. I had the assurance of the former administration, especially of Mr. Webster, that I should act alone in this responsible duty, and such was the understanding when I assumed command.

As the service is one strictly naval, and must be managed by naval means, the free and uncontrolled command of my whole force is absolutely necessary to secure anything like success; a pursuance of the rules of ordinary diplomacy cannot have the least effect upon these sagacious and deceitful people.

I beg to be excused for the voluminous character of my communications by this mail; my long absence from the mail route has occasioned an accumulation of matter to be communicated.

With great respect, I have the honor to be, your obedient servant,

M. C. PERRY,
Commander-in-chief United States naval forces,
East India, China, and Japan Seas.

Honorable J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

A.

Extracts from instructions to Commander J. Kelly.

As you are familiar with all the circumstances connected with our relations with the authorities and people of this island, and of my object in bringing about a greater degree of confidence and a more extended social and commercial intercourse with them, I have to request that you will avail yourself of every means of conciliating their friend-

ship and good-will, exercising towards them a kind but firm bearing, insisting on their fulfilment of all the stipulations agreed upon yesterday, and being careful to receive no aid or benefit from them which in other countries are paid for, without constraining them to receive compensation for the same.

And it will be indispensably necessary, to the attainment of the objects in view, that the officers and crews of the several vessels of the squadron should conduct themselves with great circumspection in their intercourse with the people, to the end that they may gradually relax in their unsocial habits, and become more familiar with our more friendly customs.

It will be necessary that two strong boats (scow shape) should be built, purchased, or hired, for the landing and shipping of the coal. This you will please attend to.

It will be optional with yourself to remain at Napa with the Plymouth or other ships that may arrive whose commanders may be junior to you, and whose vessels are not otherwise disposed of, or remove to Port Melville. And should you adopt the latter course, it will be necessary that you leave a competent officer, with a boat and boat's crew, to occupy the house hired on shore, to be in readiness to board vessels arriving, to pilot them in, and to watch and keep in their proper position the buoys which will be this day placed to mark the south channel.

When the weather promises to be fine, and you have leisure, you will employ two of the ships' boats in surveying the eastern side of the island; enjoin upon the officers in charge to run no risk, and to be careful to secure at night a good harbor for their boats and camping places on shore.

The reefs and islands which make off from the eastern side of Lew-Chew are dangerous, and it is desirable that they should be carefully explored. Perhaps there may be some ports of refuge in bad weather that may be discovered by this examination.

B.

Instructions to Commander Kelly to remain at Lew-Chew.

UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Napa, Lew-Chew, July 30, 1850.

SIR: When you may have considered the hurricane season to have passed, say about the first of October, you will (unless strong public reasons require your continuance at the island) proceed with the Plymouth under your command to Port Lloyd, Peel island, one of the Bonin group.

You will, on arrival, inquire into the condition of the settlers at that place; and especially with respect to Nathaniel Savory and John Smith, two persons rated on the books of this ship, and rendering to all the settlers at that place such aid as you can proffer consistently with the nature of the service in which you are engaged.

Obtaining the services of one or more of the settlers as pilots and guides, you will proceed, either with your ship or boats, as you may deem most advisable to the cluster of islands lying to the southward of Peel island, and improperly called on Beechey's chart Baily's group, they having been discovered and so named, before Beechey saw them, by a Captain Coffin, most probably an American, judging from the peculiar name.

Therefore the name is to be retained, and will be so noted on the chart which you are to make.

To the principal island of the group, or that which has the best and most commodious harbor, you will give the name of "Hillsborough," and to the port the name of Newport.

You will cause the shores of the islands to be thoroughly surveyed, in view of discovering ports and convenient anchoring places, especially with respect to a port suitable for a coal depot, the construction of sheds and wharves.

The interior of the islands will be fully explored; in which duty you will call into action the talents of the civil as well as the other officers of the ship.

It is desirable that you should obtain information respecting the geological formation of the islands, the character of the soil, its suitableness for cultivation, the indigenous timber and plants, the quality of its timber for mechanical purposes, the animals, birds, reptiles, the kinds and description of fishes in the neighboring waters, including the families of cetacea, testacea, and molusca; the convenience of obtaining wood and water, the quality of the water; in fine, to obtain all and every information which may contribute to a full knowledge of the entire group.

Charts are to be made of the coasts and harbors, with such explanations and meteorological observations as may the better enable you to report upon the subject.

When these duties are accomplished, you will return to Napa and await further orders.

During your absence you will leave at Napa an officer with a boat and boat's crew, suitably armed and equipped, whose duty it will be to look out for the hired house on shore, the coal sheds, and to board outside and pilot into port such vessels as may appear off the harbor; also, to watch and keep the buoys in their proper places.

Respectfully, &c.,

M. C. PERRY,
Commander-in-chief East India Squadron.

Commander JOHN KELLY,
Commanding United States Ship Plymouth.

P. S.—I will thank you to make inquiries as to the cattle and sheep I placed on Peel, and the sheep on Stapleton island.

C.

UNITED STATES SHIP PLYMOUTH,
Napa Kiang Roads, Lew-Chew, August 22, 1853.

SIR: The sailing of the Caprice enables me to inform you that I have this day heard from our surveying party. Lieutenant Balch informs me that they are getting along very well. They were, at the time of his writing, the 20th instant, encamped on Bama Island, a short distance to the southward of Barrow's bay.

We are all in good health, except some chronic cases, as you will perceive by the enclosed report, but very tired of this place.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY,
Commander.

Commodore M. C. PERRY,
Commanding United States naval forces
East India, China, and Japan seas.

Secretary of the Navy to Commodore Perry.

U. S. NAVY DEPARTMENT,
Washington, November 19, 1853.

SIR: Your several dispatches, Nos. 18, 19, and 20 have been received.

The department is much gratified to learn from them that the squadron under your command has cautiously avoided involving our government in the disturbances which agitate the people of China, and is, therefore, in a condition to avail itself favorably of the result of the revolution.

Your disposition to protect the interests of Americans in China, and to co-operate cheerfully in advancing the interests of our government, will meet with every encouragement from the department.

In reply to your No. 18, you are authorized to make such advances to Dr. Morrow as your judgment may approve, keeping an account thereof, that they may be refunded by the Department of the Interior.

Transmitted herewith is a duplicate of a dispatch from this department, dated November 14th, instant, addressed to yourself, the original of which has been intrusted to the Hon. Mr. McLane, our commissioner to China, who intended to sail this month in the steamer for Havre, thence by the overland route. The President, however, in consideration of the near approach of the meeting of Congress, deems it advisable that he should not leave the country until he shall be confirmed by the Senate.

I am, very respectfully, your obedient servant,

J. C. DOBBIN,
Secretary of the Navy.

Commodore M. C. PERRY,
Com'dg U. S. Squadron East India and China seas.

Commodore Perry to the Secretary of the Navy.

[No. 21.] MACAO, *September* 26, 1853.

SIR: I have the honor to enclose herewith duplicates of previous communications, Nos. 18, 19, and 20.

Nothing of very important interest has occurred in China since my last dates. Shanghai has fallen into the hands of the insurgents, but neither the persons nor property of foreigners have been disturbed. The Saratoga is at that place for the protection of American interests, and I have two vessels at and near Canton for the same purpose.

No serious disturbance has yet transpired in that city, but an outbreak is now, and has been for some time, hourly looked for.

I beg to invite the attention of the department to the increasing wants of the squadron of many articles usually shipped to foreign stations by the bureau of construction and equipment, some change having taken place, as I learn, in that bureau, may have changed also the source of supplies of articles of chandlery.

The moist climate of the east is very destructive to sails, cordage, &c., and though almost every description of article required for ships may be purchased in China, yet at high prices; and when the present unusual rates of exchange, now 6*s.* 6*d.* sterling for the Spanish dollar, are considered, it makes the prices of articles furnished *very* high; hence I have thought it advisable to advertise for tenders for supplying such articles as it may be necessary to purchase. This will invite competition, and we shall make our purchases on much better terms; still, it is better to send the supplies from our navy yards at home, not by the slow and uncertain conveyance of storeships, but by freighting vessels constantly sailing from New York and Boston for Hong Kong; thus our supply will be kept up, and the cost of transportation be much less than if freighted by storeships.

I would suggest that nothing more, whether coal, provisions, or stores, be sent to Shanghai, the navigation of that river is so dangerous to large ships.

The two storeships now here and the one expected (the Lexington) will be of great service to me in conveying coals to the bay of Yedo, and helping to increase the number of the vessels of the next expedition to Japan, upon which I shall sail soon after the arrival of the Lexington, as I am fearful of some interference from other powers.

I learn indirectly that the French government contemplates sending a force to Japan, and yet I can hardly believe it to be true, as it would be unfair to intermeddle just at this time.

A Russian admiral, in a fifty-gun ship, accompanied by a small steamer, touched, in June last at Canton, and sailed in quest of me, declaring such intention to Mr. Forbes, the United States consul, also informing that gentleman that he had instructions from his government to co-operate with me.

I have heard nothing more of the Russian force, probably the admiral not finding me at the north, as the squadrons must have crossed each other, has gone to Kamschatka.

I propose to send the Plymouth and Saratoga home in the spring,

with one of the storeships; until then their services cannot well be dispensed with.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. naval forces,
East India, China, and Japan seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Commodore Perry to the Secretary of the Navy.

[No. 22.] MACAO, *October* 9, 1853.

SIR: I have the honor to transmit herewith a copy of a correspondence between the Hon. Humphrey Marshall and myself, and to state that all remains quiet at Canton; and, by last advices from Shanghai, the new possessors of the city had given no uneasiness to the foreign residents.

With my present information, I am inclined to think that the reports of the dangers to which the life and property of foreigners are exposed in China are greatly exaggerated.

Notwithstanding the many disturbances and changes of local government, which are constantly occurring, there has not been an instance of molestation of foreigners or their property; the insurgent party seeming rather to be desirous of conciliating the friendship and gaining the protection of strangers.

In the recent revolution at Shanghai, causing the overthrow of the imperial authorities, Americans and other foreigners walked through the streets, in the very midst of the tumult, without insult or hindrance.

Though I ever have been, and shall always continue to be ready, when in command, to afford such means as may be at my disposal to satisfy, as far as practicable, the many demands of merchants for protection of their property, there should be some limit to these demands, especially as our consuls abroad are very generally engaged in commerce; in China they belong to leading houses.

The most profitable branch of trade carried on by many of the Americans, English, and other foreigners, is of a clandestine character, in violation of the laws of China and the stipulations of the Cushing treaty; and it is difficult for a naval commander, in extending the protection of his ship, to distinguish between the property engaged in the legal or illegal trade.

I have made the foregoing remarks with reference to the accompanying correspondence, as also to that which transpired in my last, when I was about sailing for Japan, copies of which (dated the 16th of May, 1853) were transmitted to the department.

In no navy in the world, serving on foreign stations, certainly in none with whose regulations I am acquainted, and especially with respect to the English and French squadrons now serving in these seas, has an ambassador, resident minister, or consul, the slightest

t to interfere. If it were so, the commanders of such forces would themselves entirely powerless to effect any object of usefulness.
. is the duty of the commander to advise with and to act in concert, ır as may be practicable, with these functionaries; but no one but nselves can properly judge of the fitness of their ships for particular ice, their supplies of provisions, and for steamers, of fuel and the ns of obtaining it; the condition of engines, the adaptation of ves- for certain navigation, the health of the officers and crew, and the ssity of protecting them in every possible way from unnecessary osure.
'hese are matters rarely considered by those who invoke assistance whose whole thoughts are ever engrossed in their business.
Ve have at this time much sickness, causing within a few days sev- deaths, including that of Lieutenant Joseph H. Adams, and it is ıly necessary that the officers and men, at this most sickly of all ons, should not be unnecessarily exposed. Indeed, I am obliged ave the steamer stationed near Canton relieved at short intervals ınother, to prevent a too fatal introduction of sickness on board by ng continuance in the river.
lad I complied with the request of Mr. Marshall in May last, ady referred to, I could not have visited Japan, and now to employ ly my whole force upon a service of very doubtful expediency, thus exhaust the supply of coal, which I have collected with so h care, and to continue for an indefinite time to wait the coming of ıts in China, which are as likely to happen a year hence as to-mor- , and to endanger the means of visiting Japan, to which I had lged myself to the Japanese government, would, in my opinion, be gether unjustifiable, and at positive variance with my instructions.
shall, therefore, sail for Lew-Chew and Yedo as soon as the Lex- on arrives, now out 111 days, and if it is absolutely necessary, will e one or two of the smaller vessels in China, though I hope to be to take my whole force with me, as a measure of the highest im- ance, even if some of them are sent immediately back.
ı my business with Japan, where as yet there are no American chants, or diplomatic agents, I have the assurance of not being in- ered with, and shall be able to act with energy and promptitude, without embarrassment, and whether successful or otherwise, the onsibility will all rest upon myself.
Vith great respect I am, sir, your most obedient servant,

M. C. PERRY,
Com'g East India Squadron.

lon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

LEGATION OF U. S. A., SHANGHAI, CHINA,
September 22, 1852.

IR: I have received instructions from the Department of State, ıiring "the utmost vigilance and activity" on my part to protect lives, *property, and rights* of the citizens of the United States resi-

dent in China, which render it necessary that I should communicate with the commanding officer of the United States naval forces in these seas.

In the execution of this duty, I shall ask the instrumentality of the public vessels under your command, and your cordial co-operation will be indispensable to the due discharge of my official trust. The Secretary of State informs me that the United States naval forces in these seas will be "devoted to this important object."

Accordingly, I have directed the acting consul (Mr. Spooner) of the United States at Canton to call upon you for such naval force as may be, in his opinion, requisite for the protection of our countrymen at that port, in addition to the ship already stationed there.

The disturbed state of Amoy, and the absence of consular authority on the part of the United States—which results from the withdrawal by the consul of the authority from his former delegate—render the presence of a public vessel at that place very desirable, and most respectfully I request you to order a ship from your squadron, temporarily, on that service.

I regret, especially, that the difficulty of navigating the river Min seems to place it beyond our power to exhibit the ensign of the United States at this time before Fuhchau; but I have heretofore suggested to you the probability that the public service would require *you* to visit that vicinity as well as myself. That matter I will at present reserve.

I cannot say that *I* apprehend an attack upon the foreign residents at Shanghai; but as the Chinese part of this city has fallen into the possession of insurgents who are strangers in this section of China, and whose discipline is very defective, such an event is apprehended by others, and might at any moment occur. Increased vigilance and a force competent to effective resistance are the surest preventives of such a calamity. The proximity of the city to Ningpo, where some citizens of the United States reside, and whence reports of disturbances are rife occasionally, would render the task easy to extend protection to that place, provided a steamer is added to the force now before this city. But the *nature of the force* to be employed at each place to accomplish the purposes indicated by my instructions falls clearly within your prerogative as commander of the naval forces of our country in these seas, and I refrain, therefore, from advancing any suggestion in regard thereto, for I desire you to be assured that, in the execution of my official function, I have not the slightest wish to encroach upon *your privilege* as an officer.

I am, very respectfully, your obedient servant,

HUMPHREY MARSHALL,
Commissioner of the United States to China.

Commodore M. C. PERRY, U. S. N.,
Commander-in-chief of the naval forces of the U. S. of America in the Chinese seas, &c., &c., at Macao.

MACAO, *September* 29, 1853.

SIR: I have received your communication of the 22d instant, and, in reply, assure you that it will afford me the greatest pleasure to co-oper-

ate most cordially with you in the protection of the lives, property, and rights of the citizens of the United States resident in China. The steps I have already taken will bear ample evidence of my disposition in that respect; and though I have received no other instructions having reference to China than those brought with me, and of which you have been made acquainted, a proper appreciation of the duties devolving upon me as the commander of the United States naval forces in these seas, would always prompt me to use the means at my disposal in such manner as in my best judgment would most conduce to the general interest of the government, and the welfare and safety of American citizens resident in China, and in other eastern countries within the sphere of my command.

There is now, and has been from the moment of my return from Japan, stationed at and near Canton a force more than sufficient for all purposes of protection, and, in addition, the Vandalia sloop-of-war moved up the river yesterday, to remain a short time.

Being in constant, almost hourly communication either with the commanders of the vessels of the squadron stationed at Canton and Whampoa, with the United States vice-consul, or the American merchants resident at the factory, I am myself the better judge of the necessity of adding still further to that force, having in regard other important objects in view, and Mr. Spooner is aware that any suggestion of his will receive all due attention from me; beyond this, his official action will have no influence in determining the movements of the ships under my command.

In the arrangements heretofore proposed by me for the disposition of the services of the vessels, the Plymouth, on her way from Lew-Chew to Macao, will avail of the northeast monsoon, and touch at Fuhchau and Ningpo, and probably at Amoy, though the supply visited that port but a month since, as you will perceive by a perusal of the enclosed copy of a letter from her commander.

I do not know of any American property at either of these cities, excepting that which may belong to missionaries; and taking into consideration the fact that these gentlemen and their families have hitherto been treated with kindness by the Chinese of all parties, I can hardly conceive that they will be exposed to the slightest annoyance.

The continuance of the Saratoga at Shanghai will, in my belief, give sufficient protection to American life and property at that place; in truth, there is a larger force at this time looking after the property of American citizens at Canton and Shanghai, than has ever before composed the entire strength of the East India squadron, and it is well known that the extra ships now refitting at the headquarters of the station have been expressly detailed for the Japan expedition.

The refitment of the engines of the Powhatan now in hand, and the crippled condition of the machinery of the Susquehanna, which requires the utmost care to keep it in working order, leave me but one effective steamer, the Mississippi, (my present flag-ship,) for any special employment. And even if they were all ready for sea, I should not deem it advisable, or justifiable in the present aspect of affairs, to consume any part of the limited supply of coal I have with so much difficulty, and at high cost to the government, provided for my next Japan

cruise, in employing these large and valuable steamers in visiting Ningpo and Fuhchau, when a sloop-of-war of lighter draught would answer a much better purpose by being able to approach nearer to those cities.

I have thus, with the utmost candor, given you my views respecting my duties in regard to China; and so long as I remain in this part of my command, shall continue to devote myself, so far as my judgment will permit, to the best interests of all who may have claim to the protection of the ships under my command; again remarking that I shall be most happy to co-operate with you in every way compatible with my instructions, the usages of the naval service, and with the prerogatives which belong to my naval command and to the special instructions to prosecute other important duties elsewhere.

But after all, notwithstanding the exaggerated accounts we are constantly receiving of the dangers to which foreigners are or may be exposed in China, I have yet to be informed of the first instance since I have been on the station—and I presume the remark may bear a much wider range—wherein an American or any foreigner has been in the least molested in person or property.

Commander Walker has been instructed to proceed to Fuhchau. Should he, on consulting with you, deem it necessary at any conjuncture to do so, and from thence return to Shanghai, I shall have an extra ship ready to hasten to either of those places should the information constantly received at this place from the coast north and south make it expedient to dispatch one.

I am, sir, very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. naval forces,
East India, China, and Japan Seas.

His Excellency HUMPHREY MARSHALL,
U. S. Commissioner to China, Shanghai.

UNITED STATES SHIP SUPPLY, HONG KONG,
August 28, 1853.

SIR: I have the honor to report to you the arrival of this ship, under my command, from Lew-Chew, via Amoy, at which port I touched in obedience to your order of July 31st ultimo, and remained four days.

The rebels, eighteen thousand in number, still hold possession of the city, and business of every kind has been suspended for three months past. The persons and property of all foreigners have been most scrupulously respected, and not one act of violence or indignity has been offered to any individual, nor do they fear anything of the sort will occur.

There are only three Americans in Amoy—two missionaries and one consul—and no American trade direct. The only commerce with the United States is carried on through other ports in China.

I am, sir, respectfully, your obedient servant,

A. SINCLAIR, *Lieutenant Commanding.*

Commodore M. C. PERRY,
Commanding U. S. naval forces,
East India, China, and Japan Seas, Hong Kong.

Commodore Perry to the Secretary of the Navy.

[No. 25.] MACAO, *October* 24, 1853.

SIR: The death of Lieutenant J. H. Adams, of the Powhatan, and the return home of Lieutenant Contee to resign, and of lieutenants Fitzgerald, Howell, and Caldwell on account of sickness, of midshipman Wm. McNeal Armstrong to prepare for his examination, and the present sickness of a large number of those still attached to the squadron, have caused great inconvenience, and unless a reinforcement of lieutenants and passed midshipmen are sent to the station it will be impossible to keep the ships in an efficient condition for service.

The withdrawal of one officer from a ship imposes additional duties on the others, and by this excess of fatigue they break down, either for a time or permanently, and thus we are daily becoming weaker.

It will be recollected that the Vandalia sailed from the United States without a single midshipman, and I have been obliged to provide her with two from the other ships; on one occasion all her lieutenants and her master were sick at one time, and the deck was necessarily left in charge of a master's mate.

One of her lieutenants (Caldwell) has gone home sick, and another, Whiting, complains of inability to keep watch. Considering the service in which the squadron is engaged, in a climate particularly trying to the constitution, it is impossible to foresee the consequences of this want of officers.

If I had passed midshipmen, or even midshipmen, to relieve the lieutenants of a part of their duties, we might manage better, but these are scarce as the other class.

The officers attached to the Plymouth and Saratoga will have been absent from the United States more than four years before they can reach home; I cannot think of detaining them a day after we shall have again visited Japan.

As I have recommended that stores for the squadron should hereafter be shipped in private vessels, by chartering an entire ship, cabin included, and ballasting her with coals, the stores could not only be sent out at a much less cost than by a public storeship and a reinforcement of officers might be conveyed in her to the station at trifling expense.

We have at this moment, besides a large number of seaman and marines, on the sick list of those that have been reported to me, three lieutenants, two surgeons, two pursers, and two masters, off duty.

With my strong constitution, I have not myself escaped the effects of the climate.

I should not have permitted Lieutenant Contee to have left the squadron had he not expressed his fixed determination to resign, as will be perceived by reference to the enclosed copies of letters, marked A and B.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief United States naval forces,
East India, China, and Japan seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *January* 13, 1854.

SIR: In reply to your letter of the 24th of October last, (No. 25,) I have to inform you that, in the present condition of the lists of the lieutenants and passed midshipmen, it is found difficult to supply your squadron with the additional officers of those grades called for by your letter. It is hoped that, with the thirty lieutenants and thirty-two passed midshipmen still attached to the squadron, you may be enabled to do without a further supply of officers.

I am, respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding United States naval forces, East Indies.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *October* 28, 1853.

SIR: For some months past, the department indulged the hope of being able to dispatch a steamer to China, to be at the service of the commissioner representing our government, and to afford him facilities for accomplishing the great purposes of his mission, rendered much more interesting and important by the startling revolutionary movements in that country. The United States steamer Princeton was especially set apart for that purpose. But the steamers Princeton, San Jacinto, and Alleghany, have all proved miserable failures. This accounts, therefore, for the delay of a previous order similar to this.

The President trusts that it may not seriously incommode your operations, in regard to Japan, to co-operate with our commissioner in the interesting undertaking to bring about free intercourse with the government of China; to form commercial treaties of vast benefit to the American people, and introduce a new era in the history of trade and commerce.

The mission in which you are engaged has attracted much admiration, and excited much expectation. But the present seems to be a crisis in the history of China, and is considered by many as throwing around China, at least, as much interest and attraction as Japan presents.

To have your name associated with the opening of commercial intercourse with Japan, may well excite your pride; but to be identified, also, with the great events that we trust may yet transpire in connection with China, may be well esteemed a privilege and an honor.

Hoping that it may not interfere seriously with your plan of operations, you will, on receipt of this communication, immediately dispatch one of the war steamers of your squadron to Macao, to meet the Hon. R. M. McLane, our commissioner to China, to be subject to his control until other orders reach you. Mr. McLane will bear with him further instructions to you. In the meantime, however, you will act as here-

tofore in the matter of your mission—only dispatching the vessel as above mentioned. Mr. McLane will probably leave on the 19th proximo.

Your very interesting dispatches of 25th June last have been received, and the department is much gratified with your successful operations thus far, and indulges the hope, that in regard to Japan and China, there is in store for you much additional honor and fame.

I am, very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding U. S. Squadron, East India and China seas.

Commodore Perry to the Secretary of the Navy.

[No. 26.] MACAO, *November* 20, 1853.

SIR: I have the honor of transmitting, herewith, a copy of a second correspondence with the American merchants resident at Canton.

Various motives have induced me to comply with the request of those gentlemen, as apart from a desire to oblige them, the arrangement is the most advantageous I could possibly have made.

The only vessels in the squadron that can ascend the river to Canton are the storeships.

The "Supply," well armed, has been at anchor off the factory during the last three months, and as it would have been unpardonable in me to have withdrawn her, without substituting another equally efficient, I had, in fact, no alternative. The services of the storeships cannot be dispensed with in my next visit to Japan.

In view of leaving the "Supply" at her present station, I had caused inquiries to be made for a freighting vessel to accompany the squadron, but none could be procured, and if one of sufficient burden were to be chartered, I could not have obtained her under $2,000 per month.

I have hired the English steamer "Queen," a new vessel, for $500 per month; therefore, in chartering her, a monthly saving of $1500 will accrue to the government, and I shall have an additional armed storeship with me.

Under these circumstances, I trust, that the course adopted by me will be approved by the department; indeed, upon a station so remote as this is from the seat of government, a commander of a squadron is constantly called upon to exercise a large discretion, and I feel gratified in saying that this latitude is granted to me by my instructions, as well from the Navy as the State Department.

I have chartered the "Queen" for six months, with the privilege of a renewal of the contract, and have placed her in command of Lieutenant Alfred Taylor, of the Mississippi. The only difficulty I have found in the way of the arrangement is the inconvenience of supplying her with officers, as the ships of the squadron are far short of their respective complements.

Nothing of interest has transpired upon the coast since the date of my last dispatches, excepting the evacuation of Amoy by the insur-

gents, and its re-occupation by the imperial authorities, who committed upon the unarmed people excessive cruelties.

The honorable Mr. Marshall returned to this quarter some days since.

The storeship Lexington, now out 155 days from New York, has not yet made her appearance. I am only waiting her arrival, and the completion of the repairs of the Powhatan, to sail again for Japan, being induced to hasten my departure in consequence of the suspected movements of the Russian and French squadrons.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Com'g East India Squadron.

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

CANTON, *November* 5, 1853.

SIR: Upon the occasion of your return from Japan in August, we had the honor of offering you our congratulations and the expression of the satisfaction we derived from knowing that you would remain here and retain your forces upon these coasts for a considerable period of time.

We then briefly sketched the state of affairs in this country as in our view characterized by much insecurity, and as showing the opportuneness of your arrival with a powerful force—one so commanding that the moral effect of its presence would tend to avert apprehended dangers.

The course of events at Shanghai and in this neighborhood, while it has confirmed our apprehensions as to the precarious condition of affairs, leaves to yourself the satisfaction of having afforded the protection which the important interests of our country required.

You now inform us that the special service with which you are charged requires your early departure from this river with the vessels of your squadron, which, collectively, you consider no more than sufficient for your purpose.

As there appears no reason to apprehend an early outbreak of hostilities, and we understand that a new and efficient steamer can be chartered at Hong Kong, we beg leave to suggest to you the substitution of her in place of the storeship "Supply," now used as the guard ship near the factories here.

We consider that, from the greater adaptedness of a steamer to service in this river, she may be made more efficient than a large sailing vessel, by placing proper officers, crew, and armament on board of her; and we trust that you may consider yourself authorized, by the importance of the interests at risk here, to charter and commission her accordingly.

We take great interest in the special mission with which you are charged, and should very much regret any occurrences in this country compelling the weakening of the force necessary to insure your success. We hope, indeed, that your able initiatory steps have so impressed the

peculiar people with whom you have to deal that you may now readily attain the principal objects of the undertaking, and thus achieve a success equal to your own deserts, and commensurate with the liberal scale upon which the government entered upon the expedition—a result at once satisfactory to our country and worthy the applause of all other nations.

With the expression of this hope, which is inspired by the high respect and sincere personal regard derived from the intercourse we have held with yourself, as well as by our patriotism, we remain, sir, your countrymen and obedient servants,

HENRY W. HUBBLE.
WETMORE & CO.
WM. D. LEWIS & CO.
NYE, PARKER & CO.
LIONEL MOSES.
AUGUSTINE HEARD & CO.
RUSSELL & CO.
KING & CO.

His Excellency COMMODORE PERRY, *&c.*, *&c.*

CANTON, *November* 9, 1853.

GENTLEMEN: I have had the honor of receiving your communication of the 5th instant, and have now the pleasure of informing you that, in accordance with the suggestions contained therein, I have chartered the new steamer "Queen," and shall take immediate steps to put her in commission, and station her off this city as a substitute for the Supply.

Again, gentlemen, let me thank you for the kind and complimentary manner in which you have alluded to my public services, and to the brief intercourse which it has been my good fortune to enjoy with you; an association made doubly gratifying to me as bringing me more intimately acquainted with so many of the most distinguished merchants of our country, and of knowing from your flattering letter that I have gained your friendship and esteem.

In the delicate and responsible duties so frequently devolving upon a naval officer serving abroad, the good opinion of those with whom he may be called to act, superadded to the approval of his government, is a reward not always attained; but with you, gentlemen, my way has been smooth and pleasant, and I trust that the kindly feeling at present subsisting between us may long continue.

Whatever may be the result of the special mission with which I have been charged, the conviction that I shall carry with me your good wishes will be a source of high satisfaction.

With great respect and esteem, I am, dear sirs, your friend and fellow-countryman,

M. C. PERRY.

Messrs. NYE, PARKER & Co., WETMORE & Co., AUGUSTINE HEARD & Co., KING & Co., RUSSELL & Co., HENRY W. HUBBELL, WILLIAM D. LEWIS & Co., LIONEL MOSES.

Commodore Perry to the Secretary of the Navy.

[No. 30.] U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, December 24, 1853.

SIR: The operations of the United States squadron in these seas, and more particularly with reference to Japan and the neighboring islands, have attracted much attention from all quarters, and I have found myself considerably annoyed by the mysterious movements of the Russian and French ships of war.

Of the French commodore I have heard nothing since he sailed under sealed orders from Macao some weeks ago; the Russian admiral, from whom I recently received a letter, asking for another supply of coal, now openly avows his desire to join my force, and enter into full co-operation with me.—(See copy of his letter, marked A.)

This I shall positively, though courteously, decline, as inconsistent with our policy of abstaining from all alliances with foreign powers; and for reason, also, that his co-operation cannot advance the interests of the United States, however it might benefit the object of the Russian emperor, of the nature of whose designs I am utterly ignorant.

I learn from undoubted authority, that during the stay of the Russian admiral at Nagasaki he effected nothing; nor did he receive any reply to his application, further than to be informed that the emperor had recently died, and, in consequence, no foreign business could be transacted for a certain period of time. He had no intercourse with the Dutch at Nagasaki, excepting in the presence of Japanese spies, who insisted that at the conferences the Dutch language, with which they were acquainted, should only be spoken.

The admiral proposed to the Dutch a forced intercourse, but they declined, in the apprehension of offending the Japanese; and when the single vessel of the Dutch of the present year was about sailing from Nagasaki, only partly loaded, the Dutch, as well as the Japanese, refused to allow the Russians to send letters by her.

Having thus spoken of the French and Russians, I now refer to an interview and correspondence recently had with Sir George Bonham, H. B majesty's plenipotentiary and superintendent of trade in China.

Sir George came on board two days ago to see me upon the subject of a dispatch he had received from Lord Clarendon, which instructed him to make inquiry as to the object of my movements respecting the Bonin islands.

After a long conference he departed apparently satisfied with my replies, and promised, in compliance with a request of mine, to address me a written communication upon the subject, to which I would reply, that thus we might have the means of furnishing to our respective governments an account of all the circumstances connected with the inquiry. The papers marked contain all the information, excepting a copy of Lord Clarendon's letter, which was not sent to me, though the original was submitted to my perusal.

In connexion with the correspondence with Sir George Bonham, I beg to call attention to my dispatch, No. 15, bearing date June 28, 1853, and especially to the paragraph which is here copied, as follows:

"But there is one, and only one difficulty in the way of investing

American capital in these islands, and that difficulty lies in the uncertainty of the right of sovereignty of the soil, which has never yet been established, though the most prominent claimant is the queen of England, with no other right, however, than that which may have grown out of the performance of a ceremony (perhaps not expressly authorized by his government) by Captain Beechey, commanding the English surveying vessel 'Blossom,' who, in 1827, formally took possession of the group, and gave English names to all the islands."

I shall in no way allow of any infringement upon our national rights; on the contrary, I believe that this is the moment to assume a position in the east which will make the power and influence of the United States felt in such a way as to give greater importance to those rights which, among eastern nations, are generally estimated by the extent of military force exhibited.

Considering that I am acting very much upon my own responsibility, I should desire to be instructed as to the policy, which I do not hesitate to recommend, of continuing the influence which I have already acquired over the authorities and people of the beautiful island of Lew-Chew; an influence, in truth, acquired without the commission of a single wrong upon the people, but rather contributing to their advantage.

The department will be surprised to learn that this royal dependency of Japan, tracing its royal genealogy in regular succession from the twelfth century, is in such a state of political vassalage and thralldom, that it would be a merit to extend over it the vivifying influence and protection of a government like our own.

It is self-evident that the course of coming events will ere long make it necessary for the United States to extend its territorial jurisdiction beyond the limits of the western continent, and I assume the responsibility of urging the expediency of establishing a foothold in this quarter of the globe, as a measure of positive necessity to the sustainment of our maritime rights in the east.

I shall continue to maintain the influence over the authorities and people of Lew-Chew which I now command, but it is important that I should have instructions to act promptly, for it is not impossible that some other power, less scrupulous, may slip in and seize upon the advantages which should justly belong to us.

The progress of the revolutionary war in China is, as I have all along predicted, tending to the overthrow of the present reigning dynasty. The insurgents have reached the neighborhood of Pekin having seized upon the entrepot of grain of the metropolis, and no one now doubts their ultimate success.

But some time will elapse before any new government can be formed. When such power is organized, it will be desirable to urge, on the part of the United States, a revision and enlargement of the provisions of our treaty with the empire.—(See last report of Commander Walker, herewith sent and marked E.)

With great respect, I am, sir, your obedient servant,

M. C. PERRY,
Commander-in-Chief U. S. naval forces,
East India, China, and Japan seas.

Hon. James C. Dobbin, Secretary of the Navy.

A.

SHANGHAI, *November* 12, 1853.

SIR: The approved manner in which the government of the United States received the communication of the object of the expedition intrusted to me, and the orders of my government to be on the most friendly terms with your excellency and the officers of the American squadron cruising in these seas, emboldens me to trouble you with a request.

Not being able to procure coals at Shanghai, and being pressed for time, I would be grateful to your excellency if a supply of eighty tons of coals from the stores of the United States at this port could be spared for our use.

It would give me great pleasure to have the honor of your personal acquaintance, and I trust when we meet we shall, by mutual co-operation, attain more easily the end that both our governments have in common.

With great consideration and respect, I have the honor to be your excellency's most obedient servant,

PONTIATINE.

SUPERINTENDENCY OF TRADE,
Hong Kong, December 22, 1853.

SIR: With reference to my interview with your excellency, respecting your visit to the Bonin islands, and to your proposal that I should address you officially on this subject, I have now the honor to enclose, for your information, copy of a letter and its enclosures from a Mr. Simpson, wherein it is stated that you have purchased ground from a resident there for a coal depot, for the use of the government of the United States of America.

After our conversation yesterday your excellency will, I am sure, clearly understand that it is not my desire nor intention to dispute your right, or that of any other person, to purchase land on the Bonin islands; but as it is generally understood that this group was some time ago taken possession of in the name of the government of Great Britain, I think it desirable to acquaint your excellency therewith, in an official form, that you may, should you see fit, favor me with an explanation of the circumstances referred to by Mr. Simpson.

I have the honor to be, sir, your excellency's most obedient humble servant,

J. G. BONHAM.

His Excellency COMMODORE PERRY, *U. S. navy, &c.*,
U. S. Steamship Susquehanna.

BEAULEY, INVERNESSHIRE,
October 1, 1853.

MY LORD: I observe it stated in the public prints that the officer commanding the United States Japan expedition had touched at the Bonin group—that he had made purchase from a resident there of land for a government coal depot.

Permit me to call your lordship's attention to the fact that this group of islands, so advantageously situated for opening up intercourse with Japan, really appertains to Great Britain.

Having had some connexion with it while acting temporarily for her majesty's government in the South seas, its importance was impressed upon my mind; and I respectfully bring under your lordship's notice the particulars which will be found narrated in the enclosure herewith.

I have, &c.,

ALEX. SIMPSON.

True copy:

H. N. LAY.

Lord CLARENDON, *&c., &c., &c.*

Extract from a pamphlet published by the writer in 1843.

THE BONIN ISLANDS.

"WOAHOO, SANDWICH ISLANDS,
"*December* 27, 1842.

"This small but interesting, and, from its situation, valuable group of islands lies in latitude 27° north, longitude 146° east, within five hundred miles distance from the city of Jedo, in Japan.

"It appertains to Great Britain, having been discovered by an English whaling vessel, in 1825, and formally taken possession of by Captain Beechey, of her majesty's ship 'Blossom,' in 1827. There were no aboriginal inhabitants found on the islands, nor any trace that such had ever ex sted.

"Their aggregate extent does not exceed two hundred and fifty square miles; but their geographical position—so near to Japan, that mysterious empire of which the trade will one day be of immense value—gives them a peculiar importance and interest. The climate is excellent, the soil rich and productive, and there is an admirable harbor, well fitted for the port of a commercial city.

"The first colonists of this eastern group were two men of the names of Millichamp and Mazarro, who, having expressed to Mr. Charlton, the British consul at the Sandwich Islands, their wish to settle on some uninhabited island in the Pacific ocean, were by him recommended to go to this group, of the discovery and taking possession of which he had been recently informed. They sailed accordingly, in 1830, took with them some Sandwich island natives as laborers, some live stock and seeds; and landing at port Lloyd, hoisted an English flag which had been given to them by Mr. Charlton.

"The little settlement has been visited by several whaling vessels since that period, and also by a vessel from the British China squadron. Mr. Millichamp returned to England, and Mr. Mazarro, anxious to get additional settlers or laborers to join the infant colony, the whole population of which only numbers about twenty, came to the Sandwich Islands, in the autumn of 1842, in an English whaling vessel. He described the little settlement as flourishing, stated that he had hogs and goats in abundance and a few cattle; that he grew Indian corn, and many vegetables, and had all kinds of tropical fruits; that, in fact, he could supply fresh provisions and vegetables to forty vessels annually.

"*Mr. Mazarro, who,* in virtue of his first arrival, receives the appel-

lation of governor, finds the task of governing even this little colony no easy matter. He applied to me for assistance in this task, and thankfully received the following document, which I drew up for his assistance and moral support.

"'I hereby certify that Mr. Matthew Mazarro was one of the original leaders of the expedition fitted up from this port, under the protection of Richard Charlton, esq., her majesty's consul, to colonize the Bonin islands; and I would intimate to the masters of all whaling vessels touching at that group, that the said Mazzaro is a sober and discreet man, and recommend them to support him by all means in their power against the troubles of the peace of that distant settlement, recommending, also, to the settlers to receive Mr. Mazarro as their head, until some officer directly appointed by her Britannic majesty is placed over them.'

"ALEX. SIMPSON,

"*H. B. M. Acting Consul for the Sandwich Islands.*

"God save the queen.

"A small body of enterprising emigrants would find this group a most admirable place for settlement. Its colonization, indeed, I consider to be a national object."

True copy: H. N. LAY.

UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Hong Kong, December 23, 1853.

SIR: Referring to the conversation which I yesterday had the honor of holding with your excellency, as also to your written communication, with accompanying papers, this moment received, I beg to remark that the account given by Mr. Simpson is far from being correct.

That gentleman has omitted to name *all* the white persons who embarked in the enterprise to form a settlement upon Peel island. The names and places of birth of these men may be enumerated as follows:

Mateo Mazarro, the leader, a native of Genoa; Nathaniel Savory, born in Massachusetts, United States; Alden B. Chapin, also a native of Massachusetts; John Millechamp, a British subject; and Charles Johnson, a Dane.

These five men, accompanied by about twenty-five or thirty natives of the Sandwich Islands, male and female, landed at Port Lloyd in the summer of 1830. Of the whites, Nathaniel Savory is the only one remaining on the island. Mazarro, Chapin, and Johnson, are dead, as I am informed; and Millechamp is now residing at Guam, one of the Ladrone group.

It would, therefore, appear, that so far as the nationality of the settlers could apply to the question of sovereignty, the Americans were as two to one, compared with the three others, who were subjects of different sovereigns.

Since the first occupation of the island, the early settlers have been occasionally joined by white persons landing from whaling ships, some few of whom have remained; and, at the time of my visit there were, I think, about eight whites in the settlement.

These people, after my departure, met together and established a form of municipal government, electing Nathaniel Savory their chief magistrate, and James Mottley and Thomas H. Webb councilmen.

With respect to any claim of sovereignty that may be founded upon the right of previous discovery, there is abundant evidence to prove that these islands were known to navigators as early as the middle of the sixteenth century, and were visited by the Japanese in 1675, who gave them the name of "Bune Sima."—(See enclosed extracts.)

In 1823, three years before the visit of Captain Beechey, in H. M. ship "Blossom," the group was visited by a Captain Coffin, in the American whaling ship "Transit."*

Thus it is plainly shown that the government of her Britannic majesty cannot claim the sovereignty upon the ground of discovery, and it only remains to determine how far this right may be derived from the ceremony performed by Captain Beechey.

But these are matters only to be discussed by our respective governments, and I refer to them now merely in explanation of our conversation of yesterday.

With respect to my purchase of a piece of ground from Nathaniel Savory, though conceiving myself in no way bound to explain such arrangement, I do not hesitate, in all due courtesy, to say, that the transaction was one of a strictly private character.

In acquiring the fee of the land, I had not the slightest idea of personal profit, but made the purchase for a legitimate object, and to withhold the only suitable position in the harbor for a coal depot from the venality of unprincipled speculators, who might otherwise have gained possession of it for purposes of extortion.

And now let me assure your excellency, that the course pursued by me has been influenced solely by a settled conviction of the necessity of securing ports of refuge and supplies in the north Pacific for our whaling ships, and a line of mail steamers, which sooner or later must be established between California and China.

I have no special instructions from my government upon the subject, and am yet to learn whether my acts will be approved.

The recognized sovereignty of these islands would only entail an expense upon the power undertaking their occupancy and protection, and whether they may ultimately fall under the American, the English, or a local flag, would be a question of little importance, so long as their ports were open to the hospitable reception of all nations seeking shelter and refreshment.

And I may venture further to remark, that it would seem to be the policy, as well of England as the United States, to aid in every possible way in the accomplishment of an arrangement that would fill up the remaining link of the great mail-route of the world, and thus furnish the means of establishing a semi-monthly communication around the entire globe.

With great respect, I have the honor to be, your most obedient servant,

M. C. PERRY,
Commander-in-Chief United States naval forces
East India, China, and Japan seas.

His Excellency Sir I. GEORGE BONHAM, Bart.,
H. B. M. Chief Superintendent of Trade, Hong Kong.

*I have ascertained the name of this vessel from a Captain Morris, commanding an American whaling ship now in this port.

Extracts from the Journal of Commodore Perry.

P. F. Von Siebold, in his "History of Discoveries in the Japan Seas," published in 1852, in Europe and in America, says that the Bonin islands are first mentioned in a map published by the Dutch hydrographer Ortelius, in 1570, and therein reported as first to have been seen in 1543 by Bernardo de Torres, who gave them the name of Maloabrigo los dos Hermanos.

In 1595 these islands were visited by Captain Linchoten, of the Dutch East India Company.

Hondius, Dutch hydrographer, notices the same in his map of 1634.

In 1639 they were visited by Messrs. Quast & Tasman, who, according to Kempffer, were sent by the Dutch East India Company in search of an island described in the Japanese books as containing vast quantities of gold and silver.

They have been subsequently mentioned as follows: In 1643, by Vries and Schaep; in 1650, by J. Jansonius, Dutch; and in 1680, by Van Keulen, Dutch.

From this time up to 1734, no mention is made of them by European hydrographers; in that year they were seen by the Spanish or Portuguese Admiral Cabrero Bueno, who gave them the name of "Islas del Arzobispos."

According to Von Siebold, the Japanese visited the group between the years 1592 and 1595, and they again visited and explored the islands in 1675.

Extracts from Klaproth.

"About the year 1675 the Japanese visited a very large island, one of their barks having been forced there in a storm from the island Fatscio, from which they computed it to be 300 miles distant towards the east. They met with no inhabitants, but found it to be a very pleasant and fruitful country, well supplied with fresh water, and furnished with plenty of plants and trees, particularly the "arrack" tree, which, however, might give room to conjecture that the island lay rather to the south of Japan than to the east; these trees growing only in hot countries. They called it "Bune Sima," and because they found no inhabitants upon it, they marked it with the character of an uninhabited island. On the shores they found an incredible quantity of fish and crabs, some of which were from four to six feet long.*

Extract from Klaproth's translation of "San Kokp Tson Ran To Sets."

"The original name of these islands is "Ogasa-wara-Sima," but they are commonly called "Mow-nin-Sima," (in Chinese Wu-jin-ton,) or the islands without people, and this is the name which I have adopted in my work. That of "Ogasa-nara-Sima," or the "Ogasa-wara" islands, was given to them after the navigator who first visited them, and who prepared a map of them. In the same manner has the southern part of the New World been called "Megalania," (Magellan,) who discovered it some two hundred years since."

M. C. PERRY.

* Doubtless mistaking turtle for crabs, green turtle being found in great abundance upon the shores at night, in May and June. M. C. P.

U. S. SHIP SARATOGA,
Shanghai, December 17, 1853.

SIR: The Lorcha, from Macao, bringing stores, &c., for this ship, arrived on the evening of the 15th instant.

Nothing of importance has taken place in this vicinity since the date of my last communication. The attacks upon the city by the imperialists are now not so numerous as formerly. Attempts have been made by the besiegers to undermine the walls, which have thus far proved entirely unsuccessful. A few evenings since, the rebels made a sally from the north gate, and destroyed one of the mines, together with thirty or forty of the laborers. The final result of these futile attempts upon the city it is impossible to foretell with certainty.

The Taipingwan, it is said, has gained an important advantage in the capture of the seaport of Pekin, situated at the northern termination of the Grand canal, and said to be not only the granary of the capital, but also the most strongly fortified city in the empire. Having complete command of all approach to Pekin from the seacoast and the southern provinces, his advances upon that city will thus be rendered much more easy and certain.

I have written by every opportunity of which I have been informed. It has sometimes happened that the opium clippers, as they lie at Woosung, and are often dispatched at very short notice, have left for Hong Kong before I had ascertained they were going. But every opportunity which presented itself seasonably I have taken advantage of to communicate with you.

Lieutenant Wayne is slowly improving. The chronic cases of sickness among the crew remain about the same.

I have the honor to be, sir, very respectfully, your obedient servant,

W. S. WALKER,
Commander.

Commodore M. C. PERRY,
Commander-in-chief U. S. naval forces,
East India, China and Japan seas.

P. S.—Lew, the rebel chief of Shanghai, as I have just learned from the consul, has avowed his intention of stopping all teas coming down the river for the house of Russel & Co.

W. S. WALKER.

Commodore Perry to the Secretary of the Navy.

[No. 31.] UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 2, 1854.

SIR: I am sorry to trouble the department with so much of my correspondence, but I conceive it to be due to myself to place on record the reasons which have controlled my official action in the various questions of public expediency in which I have been called upon to take part, more especially with reference to China.

The enclosed copy of a letter from the Hon. Humphrey Marshall, *marked A, is of somewhat* similar tenor to the one addressed to me at

Shanghai on the 13th of May last, at the moment of my former departure for Japan, requesting me to co-operate with him in an attempt to visit Pekin; and now that I expect to sail in a few days again for the same destination, and have actually dispatched several vessels of the squadron for the appointed place of rendezvous, I am called upon to derange all my plans for an object the utility of which I cannot comprehend, as will be seen by a reference to my reply, marked B, to the last dispatch of Mr. Marshall.

The opinions therein expressed as to our policy respecting China are precisely similar to those communicated to the department in all my former dispatches, and I am happy in knowing that these opinions are in general accordance with those of the American merchants resident in China.

I had within a few days placed the Mississippi at the disposal of Mr. Marshall, to land him at Canton in the most distinguished manner, and had received from him a letter, dated the 24th December, expressing his gratification at the manner in which Commander Lee had performed that service, (copy enclosed, marked C.) I, therefore, could not but be surprised that only two days after he should have made his communication of the 26th, (A.)

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief United States naval forces
East India, China, and Japan seas.

The Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

A.

[Confidential.]

CANTON, *December* 26, 1853.
Monday morning, 6 *a. m.*

MY DEAR SIR: Thus far his excellency, the imperial commissioner, has given no sign of a consciousness that I am in Canton, although this day will complete one week since he heard the guns of the "Mississippi" salute me at Whampoa. On the day of my arrival, or the day after, (Wednesday) the 21st, the letter which I addressed to him on the 11th of December, from Macao, reached him. I shall write him again this morning, specifying the 28th as the last day for which I shall await a reply; and in default of its coming, I shall have a letter of instruction prepared immediately to the vice consul of the United States at Shanghai, authorizing him to suspend altogether the payment of duties to the Chinese imperial government at the port of Shanghai, which letter I design to dispatch per the steamer of the 29th instant, unless you can let me have a government steamer It will be, in my opinion, very essential that our naval force shall be increased at Shang-

hai when this order takes effect, for the Chinese imperial government has a considerable fleet in the river in front of Shanghai, and a large army on the shore; and in the desperation to which such an order may reduce the imperial officers at Shanghai, I cannot foretell the kind of remedy they may attempt to apply to the case, but most probably it will be *one of force*. It is my purpose to adhere to the position I have taken at every hazard, *as it is but the exposition of a treaty right.*

At the same time, I do not conceal from myself, or from you, the significant circumstance that I am the first to assume the position in direct correspondence with the chief officer of the empire in the management of foreign affairs. He may, under the circumstances, seek to close the ports of China to American commerce, and I shall thus be forced to insist upon the rights of my country to trade *according to the treaty*, and I shall require your force temporarily, to preserve that right, at this port, probably, as well as at Shanghai.

I expose to you these facts plainly, in order to invite your cordial co-operation to sustain me in the sequel, should difficulty arise from my distinct assertion of American rights in the manner I am pursuing.

I want to be at Shanghai in person, and I wish to go up in a steamer. I think it is important to the public interest, and I hope that a few days on the spot will make matters easy. While I am thus at Shanghai, I wish you could be here. Though no difficulty *may* occur here, (and I see no immediate probability of it,) yet the fact that Teent-sin is *now* possibly in the hands of the insurgents, and that the *next* arrival from Shanghai may bring news of the fall of Pekin, and the flight of the emperor, increases the probability of an émêute at Canton, if one will ever occur. His excellency may also attempt some step towards our people here, growing out of my stopping duties, which would be possibly avoided by a knowledge that you were near with a force.

It is my desire, when I reach Shanghai, (and my purpose,) to go to Nankin in the "Confucius." I should like to take with me a guard, and an officer or two of discretion and intelligence. I shall attempt to learn *exactly* the condition of the rebellion, and at least shall let my readiness to recognize a new government, as soon as such an act shall be proper, be known to "*the Christian emperor.*"

The British and French ministers have each been to Nankin, and I regret to learn from my letters from Shanghai last night, that an impression prevails in well informed quarters that those visits have not been attended with results *propitious to American interests.* It is high time that the United States shall also be heard from in *propria persona.* I intend to discharge that duty also without any further delay, for now the insurrection has progressed so far that I can see, at least, the wisdom *of preparing the way to meet a change.* If promptness attends the desired movement, I shall be able, I hope, to relieve your force at Shanghai by the 10th or 15th of January, at the outside; and so much of it as shall be at Shanghai will then be near Lew-Chew, to which place you propose to go. The steamer which takes me up to Shanghai may possibly be required to return me to this place; but I shall dispense with her services there if I can, so as not to interfere with your other arrangements.

If you cannot let me have the steamer, please advise me of that fact by the return vessel, as I shall then go up in the next steamer, and will do the best I can with such force as I can gather at Shanghai to attend me. I must execute the duty before me somehow or other; but I prefer your hearty co-operation and earnestly hope to have it.

If you can let me have the steamer, you know I have little time to spare, and I shall be ready to embark for Shanghai by the 1st. It might be well for you to let me have a distinct order detailing the officers and guard who are to accompany me to Nankin. It will rest with you. Please to let me hear from you. No person knows of my designs but yourself.

I am yours, &c., &c., &c.,

H. MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief United States naval forces
China and Japan seas.

B.

U. S. STEAM FRIGATE SUSQUEHANA,
Hong Kong, December 29, 1854.

SIR: I was not a little surprised at the perusal of your letter, marked confidential, and bearing date the 26th instant.

Learning from Commander Lee that you had taken and furnished a house at Canton only a week since, I was fully impressed with the belief that you had determined on continuing your residence at that place for some length of time, and that every step had been taken by me to meet the exigencies of the present and anticipated state of things with reference to the protection of the life and property of Americans resident in China, so far as it could be done consistently with the special mission upon which I am again about to depart.

Whatever may have been my opinion as to the course of procedure respecting the collection of the imperial duties at Shanghai, I have hitherto carefully abstained from referring officially to the subject as in no way concerning my duties; but now that it is suggested by you that new measures which you propose to adopt may call for the intervention of a larger naval force than has been assigned for the coast of China pending my second visit to Japan, I feel bound to inform you that I shall not have it in my power to detail such additional force, and for the obvious reason that my plans for the ensuing season are all perfected, and their execution commenced; that several of the vessels of the squadron have already sailed for the appointed place of rendezvous; that I am only waiting the re-equipment of the storeship Lexington to follow with the steamers, and that the diversion of any part of my force would seriously affect my entire designs.

With the diplomatic relations of the United States with China I have nothing to do, such matters belonging exclusively to yourself, but I must be the judge of the necessity of using the force at my disposal in

intermeddling in a civil war between a despotic government struggling for its very existence, and without the power of enforcing its own laws or of sustaining its treaty engagements, and an organized revolutionary army gallantly fighting for a more liberal and enlightened religious and political position, and hence my undeviating policy, whatever have been my sympathies for the revolutionists, of practicing myself, and enjoining upon all under my command, a studied regard to neutrality and non-interference.

In my opinion, a demonstration at this moment to coerce or even urge the imperial authorities to any political measure touching the interest of the United States would be of no avail, inasmuch as the events of a week may bring about the overthrow of the reigning dynasty, and render nugatory the acts of its officials, and that a rude refusal on the part of those officials to meet your demands would probably lead to results involving serious consequences to our American trade.

At the present juncture neither of the contending parties are in a condition to negotiate with foreign powers, and it is evident that some time will elapse before the final issue of the war will be known, meanwhile I am clearly of opinion that it is the better policy to wait quietly the progress of events, especially as I have heard of no complaints from Americans of violence or injustice from the Chinese of either side.

I have not the remotest intention of obtruding upon you, as it would be entirely gratuitous in me to do so, my opinion with respect to the political condition of China; my only motive in presenting the foregoing observations is to exhibit in another view the reasons that would influence me in declining to co-operate with you in the manner proposed, even if other considerations already alluded to did not make such course imperative.

Judging from the results of past experience I am inclined to think that the presence of a sloop-of-war at Shanghai will afford ample protection to American interests in that quarter—my latest information from Commander Walker and others giving no intimation of any anticipated danger; and, with respect to Canton, arrangements have been made entirely satisfactory to our fellow countrymen resident in that city.

Should you, as you propose, charter the Confucius to proceed to Nankin, Commander Kelly will have instructions to furnish from his ship, upon your application, such an escort as he may consider himself justified in temporarily detaching on such service.

In closing this communication I cannot but express my regret that obligations of duty should have placed me in a position to differ upon any question of public expediency with a functionary, holding the distinguished station intrusted to your charge.

With great respect, I am, sir, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. naval forces
East India, China, and Japan seas.

P. S. As it is my practice to transmit copies of my official correspondence to the Navy Department, whether confidential or otherwise, I have enclosed a copy of your letter, marking it *confidential*, as also a copy of this communication.

C.

LEGATION U. S. OF AMERICA,
Canton, December 24, 1853.

SIR: I avail myself of the return of the Mississippi to Hong Kong to-day to acknowledge your promptness in placing that vessel in requisition on Monday last, to convey me to my residence in this city.

I left Macao on Sunday night per the frigate, and arrived at Whampoa on Monday evening. On Tuesday, at the turn of the tide, I left the frigate, accompanied by Commander Lee and several of his officers, in the boats of the vessel, and arrived at Canton about 5 p. m. of the same day.

The honors due to my official character were paid by the Mississippi.

I am personally obliged to all the officers of the Mississippi for their kind attention during the voyage from Macao, and especially for their very considerate and polite demeanor since my arrival at Canton. I have been most favorably impressed by their evident desire to contribute by every means in their power to attract the attention of the Chinese to the high position to which I have been assigned by the government of the United States, exhibiting by their own example the respectful consideration for my official character, which that government will require from others. I cannot but express my conviction that such harmony of action between the civil and naval representatives of the United States must produce a good effect upon all foreigners, whether of the Chinese race or of European origin, and I am ready to acknowledge the great satisfaction I experience, that an opportunity has been embraced on this occasion to make such an exhibition of a proper understanding between the different branches of the service. I am especially desirous, sir, to testify to you my proper appreciation of your own prompt response to my wish to be conveyed hither in a public vessel.

I have not yet received any sort of communication from the imperial commissioner, or any other officer of government, since my arrival in Canton, nor any signification of their knowledge that I am in the city.

The official communication I prepared at Macao on the 11th instant only was forwarded after my arrival on Tuesday; and I thought, under the circumstances, it would be well for the Mississippi to await the limit prescribed for her stay by your suggestion of a desire for her services elsewhere.

I have, however, not desired Commander Lee to remain beyond to-day, as I now feel an assurance that should an occasion arise requiring the presence of a public vessel to assist my representative action at Canton, your compliance with my desire for such assistance may be anticipated, and I shall call for it accordingly.

Very respectfully, your obedient servant,

H. MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief, &c., &c., &c.

Commodore Perry to the Secretary of the Navy.

No. 33.] U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 9, 1854.

SIR: Since writing my letter of the 2d instant I have received a long communication from Mr. Marshall, of which, in common fairness to that functionary, I transmit a copy.

The department can readily conceive of the embarrassment in which the demands of this gentleman have placed me.

At the very moment of final arrangements for my departure upon service especially assigned me, (several of the vessels have already left, and I hope to sail for Lew-Chew and Japan myself in three days,) I am a second time, and within the space of a week, earnestly called upon to divert one of the steamers from her destination to carry Mr. Marshall to Shanghai, (from which place he has but recently arrived,) and there to wait a few days, during which time no possible good could be rendered; and, besides, there is great risk in entering the "Yang-tse-Kang," especially in the winter season, with vessels of the draught of the steamers of this squadron, as indeed I have already demonstrated in a letter to the chief of the Bureau of Construction and Equipment, under date of the 15th of May.

The following is an extract of that letter:

"In consideration of all these disadvantages and exceeding risk, I have countermanded the orders previously given to the vessels expected from the United States to touch here, and shall not venture to allow either of the large steamers again to ascend the river, unless in cases of extreme emergency."

If, therefore, an accident were to happen to the vessel so employed, and she in consequence be unable to rejoin me, a very essential part of my force would be lost at an important moment; and I may further remark that the sloop-of-war "Plymouth" sailed only eleven days since direct for Shanghai, to relieve the "Saratoga," preparatory to the return of the last named vessel to the United States, via Japan. Thus, the presence of the "Plymouth" at Shanghai will continue to render to the Americans there ample protection.

Mr. Marshall had timely notice of the destination of the "Plymouth," in which he could have taken passage; and yesterday, four days after the date of his last communication, the British mail steamer, ("Lady Mary Wood,") the regular packet, and especially fitted for the convenient accommodation of passengers, left also for Shanghai; in either of these vessels he could have been comfortably and suitably accommodated.

It will be recollected that Mr. Marshall, on the 24th ultimo, took a house at Canton, to which he was officially conducted by Commander Lee, of the Mississippi, under instructions from me, and I had good reason to suppose that he intended to wait there the arrival of his successor. On the 26th, two days after, he applied to me, as mentioned in a former despatch, for one of the steamers to convey him to Shanghai; and on my declining to comply with his request for reasons set forth in the most respectful manner, he addressed me the communication of the 4th instant, in which he freely comments upon

the reasons thus assigned by me; and, moreover, argues that the arrangement I had made at the suggestion and with the concurrence of the Americans at Canton for their protection was inadequate for the purpose, though satisfactory to those most interested.

With respect to the motives of public expediency expressed in my letters to Mr. Marshall I have no concealment, and I do not hesitate to declare most unequivocally that I should have thought it my duty to decline co-operation with him in the manner he proposed, if other considerations did not make it imperative in me to do so; and though it is certainly not my province to discuss questions of political policy touching the intercourse of the United States with China, and especially to argue upon the subject with the accredited minister to that empire, yet it is my business to determine how far and in what way I am to use the vessels of my command in sustaining and carrying out his views.

My own opinion is, and in this I am sustained by every intelligent American with whom I have conversed or had correspondence, excepting Mr. Marshall, that this is not the time to open new issues or to prosecute any important object; that in the condition in which the opposing parties now stand, neither is prepared to negotiate or to guaranty the integrity of any measure either might be *constrained to accede to;* that the disturbance of the present state of things might, and probably would, lead to consequences seriously embarrassing, and committing the Commissioner who it is said may be daily expected to relieve Mr. Marshall; and hence my objections, irrespective of the considerations already mentioned, to a participation in any movement that would lead to such results.

It is very certain that a squadron serving abroad must be under the exclusive direction of one person, who is held by his government responsible for its proper condition and discipline, for its supplies, &c., &c.

If the ships are placed at the disposal of diplomatic functionaries, the commanding officer can have little control over them; nor can he well make provision for their wants; and especially would it be so with respect to steamers, as, in the consumption of coal, no calculation could be made at this remote distance from the sources of supply. Therefore if, as it has been reported, a steamer is to be sent to this station for the exclusive use of the Commissioner, extra and exclusive provision should be made for supplying her with coals, as it is now a cause of great solicitude and calculation with me so to manage the movements of the steamers at present in the squadron to keep up a partial supply of fuel.

But the department will perceive, by reference to my instructions, that I am not called upon to interfere with the concerns of China; and though from the necessity of resorting to its ports for supplies, and the propriety of protecting, as far as I can, consistently with other duties, the lives and property of American citizens resident in the country, has brought me in correspondence with the United States Commissioner and the merchants; I am, in fact, acting without instructions, and upon my own responsibility; and I can only remark

hat, in the execution of my duties, I have been constantly influenced y a conscientious desire to do that which, in my judgment, would est contribute to the honor of the United States and the protection f American interests.

It is not improbable that I may have erred in judgment; if so, I ust abide the consequences. I should be unworthy of the trust re-osed in me if I were to waver a moment in the prosecution of objects f public duty, to which my experience, added to the most honest ntentions, may prompt me.

With great respect, I have the honor to be, your most obedient ervant,

M. C. PERRY,
Commander in Chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

CANTON, *January* 4, 1854.

SIR: Your reply, under date of the 29th ultimo, to my letter of the 26th of December, has been received.

In one paragraph of your communication, after conceding my right o manage the diplomatic relations between China and the United States, you add:

"But I must be the judge of the necessity of using the force at my lisposal in intermeddling in a civil war between a despotic government, struggling for its very existence, and without the power of enforcing its own laws, or of sustaining its treaty engagements, and an organized revolutionary army gallantly fighting for a more liberal and enlightened religious and political position," &c.

The natural inference from this language is, that you are resisting a proposition made by me to employ a portion of the force under your command in intermeddling in the Chinese civil war; and, moreover, that I had desired you to engage it in the cause of the despotism you denounce, and against the revolutionary army whose gallantry elicits the warm expression of your admiration.

I call your attention to this view of the above paragraph, that you may appreciate the prejudicial effect against me its strong implications are calculated to produce.

As my mind has not conceived the idea of employing any part of the naval power of my country in a participation, to any extent whatever, in the contests of the Chinese, my pen has never traced a line to you, or any other person in China, from which the inference of such a desire on my part is deducible. Every act and expression of mine have indicated my determination to maintain the most uncompromising neutrality; and there is nothing I have said, done, or written, to afford the slightest foundation for an opinion to the contrary.

In the sense which most persons would read your letter, it is calculated to do me great injustice, and would be understood to cast an

imputation upon my public conduct, which I cannot permit to pass to the archives of the Navy Department without this accompaniment to repel the injury that would result otherwise. I shall not discuss the propriety of your refusal to furnish the steamer to carry me to Shanghai as requested. It is the province of the President of the United States to judge of the policy of sustaining the prerogative you have again and again exercised of declining co-operation with the naval force under your command when requested by the minister, basing your refusal, among other reasons, upon suggestions which amount to an assumption of the privilege of reviewing the public action and policy of the civil representative of the government. In the present instance, this pretension is advanced with extraordinary boldness, since you inform me plainly that a want of coincidence in our opinions as to time and the object of my policy would be a sufficient reason to influence you in decling to co-operate in the manner proposed, even if other considerations did not make such course imperative. Such a power is, in my opinion, dangerous in example, unfortunate for the navy itself, and utterly ruinous of the efficiency of the civil department to which I am attached. As I have no power to reduce this claim on your part to the proper limitation for its exercise, I can only unite with you most heartily in the expression of regret that, from the wide difference of opinion that exists between us as to the limits of our respective departments of official duty, I find myself restrained in the legitimate exercise of my functions and the energetic discharge of my public duty by your failure to co-operate with the naval force which, in this section of the world, is so essential to diplomatic success. Observing that the remarks of a political character contained in your letter are introduced only to exhibit the claim of naval prerogative to which I have alluded, the occasion does not demand any comment upon them. You are entirely correct in supposing that, in the formation of my opinions upon political questions, and of the proper time and circumstances for the active exercise of my diplomatic function, I understand my right to be exclusively the judge of what may or may not be attempted.

But apart from the political reasons you have advanced, (and which would render my residence in China useless to my government,) you present, as the chief objection to acceding to my request, that the execution of your plans for the ensuing season has commenced, and the diversion of any part of your force would seriously affect your entire designs. As you place yourself in the position of a commander already in the very act of executing one important naval movement, when the first intimation is given of "new measures," that might possibly require a diversion of a portion of his force, I shall recur for a moment to the facts of this case to elucidate the nature of the service chiefly required at your hands, and the circumstances which induced me to make the call upon you. This recitation will at the same time serve to prove that the "new measures" cannot be delayed upon any considerations connected with the condition of the expedition to Japan. I returned from Shanghai to Macao early in November. The various positions taken by western powers, in regard to the payment of duties at the Shanghai custom-house, rendered it very desirable that I should

have a distinct understanding of the course which the Chinese government designed to take on the subject. The report of the facts in the case of the Austrian barque "Robert" arrived shortly after I came to Macao, and on the 23d of November I addressed the Chinese imperial commissioner requesting a personal interview, that we might converse upon the matter of the duties at Shanghai. On the 8th of December he excused himself from the meeting at the particular moment, on the plea of a pressure of business, but promised to appoint a day when he could find leisure.

On the 11th of December I addressed him, dispensing with the interview, entering at large into the question of duties, and advising him of the impropriety of delay in solving the difficulty in which American commerce was involved by the injurious discrimination against it made by the manner in which the customs are now administered at Shanghai. To this letter I demanded an early reply. In a few days I told you of the position of affairs, and suggested that, as it was my wish to await at Canton my despatches from the Department of State, it might expedite the movements of the Commissioner for China should I repair to this city in one of the war steamers immediately, and that such a movement was at this juncture desirable, in order to exhibit apparent good understanding between the minister and the naval power of the United States. You promptly placed the frigate Mississippi at my disposal (for a week) to accomplish the purpose indicated. I came to Canton on the 21st December, and relieved the Mississippi on the 24th. I waited until the 26th without an answer from his excellency, and then I advised him of my determination to instruct the vice-consul of the United States at Shanghai by the steamer of the 29th. Thus the steps have been taken which brought me to the necessity of action; and as the position I meant to take in relation to the duties was one which would place the shipping of the United States on the footing of the most favored nation, I could not overlook the possibility, or even the probability, of resistance to my action by the Chinese authorities at Shanghai, where both a fleet and army are collected. It became my duty to advise you of the state of affairs, and I wrote you accordingly. I suggested the desire I entertained to be present at Shanghai, in order to afford counsel and direction to the vice-consul through the varying phases which each circumstance might give to affairs, and I asked for a steamer in order that I might have despatch; and that by her presence at Shanghai at the moment when the position should be assumed which I determined to adopt, the probability of *avoiding a collision with the Chinese* might be increased, or that efficient means might be on the spot for the protection of the rights of American citizens. The demonstration I have proposed is to protect what already belongs to us under a treaty, and to assert a clear right of American commerce and American citizens, so as to remove an injurious discrimination which is made against them by the present basis, upon which the Chinese customs at Shanghai are collected. This is the whole affair, so far as the co-operation of the naval force is required. I have heretofore read to you my instructions from the Department of State, commanding the exercise of vigilance and activity on my part, to protect the rights, lives, and property of American cit-

izens in China; and I should have neglected my duty, inexcusably, had I omitted to afford you the necessary information and an opportunity to place the naval force in a position to render assistance to our countrymen in the event of a necessity for its presence either at Shanghai or elsewhere.

We want no negotiation to secure the right it is my duty to assert. I hope we shall not require any "extensive demonstration" either as to the amount of force or the length of time; but it is my official duty to employ all the necessary means that I can command, not only to protect the right, but to secure its full enjoyment to our citizens. I am at a loss to imagine how you could have confounded my assertion of the right of an American ship to leave a Chinese port without a port clearance, with any question affording room for the display of your detestation of the despotism of China, and the admiration you have for the rebels. I assure you that the only question to which your attention is called, and which can possibly interfere with any movements you may desire to make elsewhere, is connected with the rights of American commerce under the existing treaty, and the only Chinese who would interfere to prevent the full enjoyment of the right I assert for that commerce are the Mandarins, the officers of that very despotic government which, unable to sustain its own treaty engagements, would, in the supposed case, be struggling to oppress the commerce of the United States, and might insult the dignity of their national ensign, and outrage the rights of their citizens. I act upon the especial instructions from the government which pledges to me that the naval force in this vicinity shall be *devoted* to this important object. I exercised only a customary precaution in giving you timely information of the facts, and in requesting your co-operation. I think that my letter evinced my anxiety *not* to embarrass your arrangements for the Japan expedition, nor can I conceive how the diversion of a steamer to Shanghai, until the 10th or 15th of January, could possibly produce such a consequence.

The three steamers are now in Hong Kong; and should one go with me to Shanghai, the voyage thence to Lew-Chew islands might at any prescribed time be made in two or three days, or she might join you when your voyage to Japan shall have been actually commenced.

I have limited the time, in my note to you, at which I thought I could dispense with the steamer at Shanghai; and I doubt, exceedingly, although your plans for the season may have been formed, whether your squadron will rendezvous at Lew-Chew by the time limited in the requisition I submitted. It is proper to observe that, as already stated in my former letter, the step I take cannot be delayed. I dissent entirely from the idea that it is better to await the progress of events in China before asserting the rights of American citizens in this country, lest I meet a rude refusal of my demands, which may disturb our American trade. I shall demand only the rights of my countrymen, and these I shall demand although there might not be a ship-of-war belonging to my country on this side of the globe. I shall seek the protection of those rights by the instrumentalities which Congress has provided for that purpose; and when these may not be had, I shall assert the right, and leave its vindication to the future action of the

Executive. I should justly incur the censure of the President of the United States were I to pretermit the assertion of the right of American shipping to an equality with that of the most favored nation at the earliest moment when any unjust discrimination can be removed. I regret your failure to co-operate with me in affording the means to avoid probable difficulty (as I am perfectly satisfied that your prompt compliance with my request would have done) at the moment of first exercising this right; *nevertheless it has already been asserted*, and *will be repeated and maintained.* In the further performance of my official duty I have now to advise you that the imperial commissioner answered my letter on the 28th of December. He promised merely to write instantly to Kiangnan, and to direct the Tautai, by one law, to make investigations and to manage properly, and not in the least degree to suffer any irregularity. He adds, "that thus the evil of unjust discrimination it will be practicable to avoid." He declined to take any other step. To these generalties I replied, on the 31st of December, that if, hereafter, the flag of any other nation entered or cleared the port of Shanghai without the payment of duties, or making payments only in obligations, the redemption of which was dependent on the decision of another power than China, the ships of the United States would leave the port without any requistion for a port clearance, and no duties would be coerced from the citizens of the United States during the prevalence of the custom. As I have no idea the British authorities will alter the mode they have adopted, I can only regard the question for Chinese solution to be simply whether the Chinese authorities will submit to the departure of American ships upon the terms I have stated, or will resist it.

That must be decided by a few examples in practice, and a few days will solve the whole problem. In my opinion, the favorable solution of it would be materially assisted by the presence of a war-steamer at Shanghai at the moment when the practice under the rule shall commence, and by my own personal presence to supervise "the procedure" which takes place at the time. Once fairly under way, there would be no requisition to delay any part of the squadron further; but should resistance take place, and injury to life or property be the consequence, I should deeply regret the decision you have made to decline co-operation. The first paragraphs of your letter demand only a passing comment. Neither of the inferences you have made from my occupation of a residence at Canton are logically deducible from the premises. Though this city had been selected for my permanent official residence, (which it is not,) it is not difficult to see that emergencies might suddenly arise to require my presence, temporarily, elsewhere, which I have a desire, but no means, to meet, unless I can obtain a naval steamer. The mere fact of my furnishing my apartments, proves no more than my wish to have a decent abode. As to your second inference from the same premises, I should have preferred to mainain the silence I have heretofore preserved on the subject of the provision made for the defence of Americans at Canton, in the event any difficulty here. But as your letter raises an inference from my silence and my occupation of a residence here, I say to you, reluctantly, that I do *not* concur in the opinion that a proper

provision has been made for the defence of American rights and property at Canton during your absence, although I know that the means adopted met with the written approbation of the American merchants at Canton. What are the means? A British steamer of one hundred and fifty tons, manned by twenty sailors and ten Chinese, and carrying an armament of four guns of four-pound calibre each. In the event of a disturbance, the "Queen" may suffice to transport the women and children of American citizens from the city, provided they reach her decks without molestation; but to defend the lives or property of American citizens here in the presence of an invading mob or a band of robbers, the provision made is not equal to any exigency whatever.

It is impossible, however, for me or any other person to anticipate what may occur in Canton to require the active intervention of a naval force; and therefore I have preferred to be silent under the circumstances, rather than to dissent from arrangements which you had already made; nor should I have ventured the above observations except to exclude a conclusion you seem to have adopted from my silence heretofore on the subject. I apprehend, from the tenor of your observations, that your disinclination to my visiting Nanking may have produced or have affected your decision to decline co-operating with me; although, considering your admiration of the revolutionary army, I might be free to presume that you would have hailed my determination to gain more exact information of the prospects of the war, and of the effect its results would probably have on American interests, with sincere pleasure. The desire to gain information in relation to this country, in which my own has so large and increasing an interest, is becoming *my* official position; but it could neither induce me to pretermit a single public duty, nor betray me into any act or position that could by possibility affect the neutrality of the United States. I do not consider that my ascent of the Yantze to Nanking, where the war-steamers of Great Britain and France have been with the plenipotentiaries of those powers on board, and whence they have returned without eliciting a comment from the imperial government or an objection from its officers, could be regarded as a committal of the flag of the United States. My letter discloses other reasons, connected with American interests, which render such an excursion very desirable at this time. The visit to Nanking was mentioned, however, as quite apart from the main object of my proposed visit to Shanghai, and not as *necessarily requiring* any co-operation by the naval force, though a desire for a guard was expressed, should it be attempted under favoring circumstances during the stay of the steamer in the port of Shanghai.

But suppose that enterprise to be left to me alone, without the co-operation of the navy or any of its members, and still the main inducement remains to require the call I have made for the use of the steamer to carry me to Shanghai, and to afford, by my temporary presence, assistance and support to measures deeply affecting American commerce, and which may have an important bearing on the basis of our future relations with China.

In closing this communication, which my wish to be clearly under-

stood has made longer than was desirable, I assure you, sir, that I should regret much to derange any of your plans for the ensuing season, or to make any diversion of your naval command from the service to which the same may have been assigned. But with no force on this coast but the sloop-of-war at Shanghai and the little Queen in this river, I hope the counsels of prudence among the Chinese may relieve us from cause to regret the absence of the squadron usually assigned to this station. My object has been, however, and is, to perform my duty in the office I hold, not to interfere with your arrangements for the prosecution of the Japanese expedition. I have placed the requisitions of this office plainly before you, and I think yet it would be well to reconsider your determination, as I learn there is great uncertainty whether even a British merchant steamer will go shortly to Shanghai, and it is very important, in my opinion, that my instructions relating to American shipping should reach the vice-consul Cunningham without delay.

Should you adhere, however, to your expressed determination, I have no recourse but to submit to a result I cannot control, leaving the responsibility for your official action to the judgment of the President of the United States, having discharged my own duty.

I am, sir, respectfully, your obedient servant,

HUMPHREY MARSHALL.

Commodore M. C. PERRY,
Commander-in-chief of the Naval Forces of the United States in the Seas of China, Japan, &c.

Commodore Perry to the Secretary of the Navy.

[No. 34.] U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 9, 1854.

SIR: It is with great satisfaction that I inform the department that the intercourse of myself and the officers of the squadron with the English authorities, civil, military, and naval, has been most cordial and friendly; nothing could exceed the kindness, official and private, which we have all received. It is true that these civilities have been, in part, reciprocated, but only to an extent to tighten more closely the feeling of mutual harmony, so desirable between the officials of separate powers, especially when meeting in foreign ports.

With the French and Russians we are also on good terms, and it may be a source of gratification to the department to learn that, by a more provident foresight, ours are the only steamers in these seas that are provided even with a limited supply of coal.

From the scarcity of vessels, and consequent difficulty of obtaining transportation of coals from Europe, the English, French, and Russians are entirely without supplies; and it has fallen to me even to give access to our stock to the English admiral, should his coal vessels not arrive; of course, whatever is thus delivered to the English is to be returned, in like quality and quantity, within a given time, so that we shall not be inconvenienced by the loan of them. The French

and Russians have, at present, no means of returning what they receive; and consequently I shall spare them no more, as I am obliged to husband my stock with the greatest care and economy.

Every article in her Majesty's naval stores here has been placed at my disposal; but I have only drawn some lime-juice, to be used for sanitary purposes, and not to be obtained elsewhere.

In a letter addressed to the department, bearing date the 1st of September, (No. 19,) I have suggested the necessity of providing coal for the return of the steamers to the United States, by way of the Pacific ocean. Since the date of that letter, I have received a communication from the United States consul at Honolulu, (Sandwich Islands,) informing me, in answer to an inquiry of mine, that there was at that place sixteen hundred and thirty-five (1,635) tons of anthracite, shipped at my suggestion a year since, and it is all-important that instructions should be given to the consul not to deliver any of it, under any consideration; otherwise, the steamers may call there in expectation of a supply, and learn that it has been used for other purposes.

I take pleasure in stating to the department, that on the occasion of paying funeral honors to the memory of the late Vice President King, Admiral Sir Fleetwood Pellew caused all the vessels of his squadron to half-mast their colors during the whole day, and fired minute-guns from his own flag-ship.

With great respect, I have the honor to be, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Commodore Perry to the Secretary of the Navy.

[No. 36.] U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 12, 1854.

SIR: For obvious reasons I have hitherto transmitted to the department copies of my correspondence with the Hon. Mr. Marshall; and as the papers of which the enclosed are copies will probably bring to a close what has been very disagreeable to me, I have thought it advisable to place these also upon file at the Navy Office.

The letter of Commander Walker, bearing the same date as that of Mr. Cunningham, who is acting vice-consul at Shanghai, and the subsequent letters of Commander Walker and Purser Harris, do not allude in the slightest manner to the outrages spoken of by Mr. Cunningham; and a Mr. Mugford, an American gentleman of high respectability and intelligence, yesterday assured me that he had left Shanghai on the 31st December, and had a few days before visited Ningpo with a large party of Americans, and had noticed no unusual disturbance in that vicinity.

I mention these facts with reference to the efforts that have been

made to induce me to detach a part of that portion of my force destined for Japan to the coast of China.

There has been, and will continue to be, a sloop-of-war stationed at Shanghai—a force quite sufficient for all purposes of protection.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

[No. 19.] UNITED STATES SHIP SARATOGA,
Shanghai, China, December 24, 1853.

SIR: By the hasty departure of an opium schooner for the southern ports, I had only time to acknowledge the receipt (per "Lady Mary Wood") of your despatch, dated the 12th and 13th instant, with the accompanying private letter and documents from Commander Adams, which I shall answer by return of mail. Nothing of interest has occurred here since my last dates. The Cassini returned with Mons. de Bourboulon, from Nanking, on the afternoon of the 18th instant. I transmit herewith an account of his excellency's visit to that place, in an extra of the "North China Herald."

Very respectfully,
WM. S. WALKER, *Commander.*

Commodore M. C. PERRY, *&c., &c., &c.*

Since the receipt of the above, I have received letters from Commander Walker, of the 27th and 29th, and from Purser Harris, of the 31st.

M. C. PERRY.

Extract from a letter received per "Nymph," from E. Cunningham, Esq., vice-consul of the United States at Shanghai, dated December 24, 1853.

"With such a *possibility*, it seems very desirable that the American naval force at this station be increased, as this is the point where the first meeting will, in all probability, take place. I have received from Mr. D. B. McCartee, of Ningpo, information of outrages committed upon native boats by foreign seamen, calling themselves Americans, who have hired Chinese boats, armed them, and assumed the business of *convoying*. They bring in boats which they call pirates, confiscate their contents and destroy them. The Chinese complain that the said boats are innocent traders, and ask for redress. I have applied to Captain Walker, of the Saratoga, for an officer and men to send to that port for the purpose of arresting the offenders, and putting a stop to practices which will inevitably result in the massacre of all sailors

thought to be Americans, who can be found unprotected, by the natives, besides bringing disgrace upon our flag and names. He is, however, unable to give the aid, though I offered my own yacht for the conveyance, without charge. I beg, therefore, to request that, if it is possible, some measure may be taken to keep order at that port, which is more or less a resort for dissolute sailors, from its proximity to Shanghai."

LEGATION UNITED STATES OF AMERICA,
Canton, January 8, 1854.

SIR: Annexed you will please find an extract from an official communication received at this legation to-day, from the vice-consul at Shanghai.

I feel it to be my duty to urge your immediate attention to it, as it would appear from the inability of Commander Walker to furnish a guard to prevent the outrages alluded to, that the force at present under his orders is unequal to such emergencies as may at any moment arise. It is due to our national character that such combinations by desperadoes, wearing the name of Americans, should be suppressed promptly, and punished summarily.

I am, sir, very respectfully, your obedient servant,
HUMPHREY MARSHALL,
United States Commissioner.

Commodore M. C. PERRY,
Commander-in-Chief, &c., &c., &c.

U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 12, 1854.

SIR: Constant official employments preparatory to my departure from this port, and other indispensable public occupations, have prevented me until this time from acknowledging the receipt of your despatch of the 4th instant. I now do myself the honor of replying to that, and to the communication more recently received from you.

With respect to the first, I may remark that the reasons expressed by me in my letter to you of the 29th ultimo are still in full force, and I see no cause for deviating from the course therein indicated. In order, however, that our government may be made acquainted at the earliest moment with all the circumstances, I transmitted, by the mail of yesterday, a copy of your despatch, being myself desirous of having all my acts scrupulously scanned.

As to the statement made by Mr. Cunningham, in the extract of his letter of the 24th ultimo, appended to yours of the 8th instant, I can only say that I have letters from Shanghai, official and private, dated respectively the 24th, 27th, 29th, and 31st ultimo, and verbal information to the 1st instant, and not a word is mentioned of the state of things described by Mr. Cunningham; and Commander

Walker, from whom I have letters of the 24th, and two of subsequent dates, does not in the remotest manner allude to any application made to him by Mr. Cunningham.

I have also seen an American gentleman of great intelligence, who has recently visited Ningpo, who informs me that he was not aware of any unusual disturbance in that vicinity.

It seems singular that Commander Walker should not have communicated such important information in his letters, as he has been hitherto very particular in keeping me acquainted with every event of interest that has transpired at Shanghai and its neighborhood.

By reference to the subjoined extracts, you will perceive that Commander Walker has discretionary power to act in cases similar to that described by Mr. Cunningham. I must, therefore, infer that he did not deem it advisable to do so.

I shall, however, transmit to him a copy of your communication of the 8th, together with the remarks of Mr. Cunningham.

Very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. HUMPHREY MARSHALL,
U. S. Commissioner to China, Canton.

Extract of a letter from Commodore Perry to the Hon. Humphrey Marshall, dated Macao, September 29, 1853.

"Commander Walker has been instructed to proceed to Fuh-Chow or Ningpo, should he, on consulting with you, deem it necessary at any conjuncture to do so, and from thence return to Shanghai; and I shall have an extra ship ready to hasten to either of those places from the south, should the information constantly received at this place from the coast, north and south, make it expedient to despatch one."

Extract of a letter from Commodore Perry to Commander Walker, dated Macao, September 30, 1853.

"If, on consultation with his excellency Mr. Marshall, you should deem it advisable, at any conjuncture, to leave your present station at Shanghai to visit the port of Ningpo, or Fuh-Chow, you are authorized to exercise your discretion in the matter, presuming, of course, that you can leave Shanghai temporarily, as there will be other national vessels at that place."

Commodore Perry to the Secretary of the Navy.

U. S. STEAM FRIGATE SUSQUEHANNA,
Hong Kong, January 14, 1854.

SIR: On the eve of getting under way for Japan, with all my arrangements made to leave in an hour, and a large portion of my force

actually gone, I am placed in possession of the letter of the department of the 28th of October, (which arrived by the mail of last night,) directing me, under certain views of the government with respect to China, to detach one of the steamers of my command, to be placed at the disposal of Mr. R. M. McLane, recently appointed Commissioner to China.

Such an arrangement, at this moment, would be seriously inconvenient and highly injurious to my plans, the execution of which has already commenced; indeed, it could not be done at this time without deranging the operations of the squadron—so intimately are the steamers connected with each other; and I feel assured that, if the department was to be made acquainted with the true state of things, and the importance of my carrying the three steamers with me to Japan, as it now does of the events of my former visit to that empire, it would at once revoke the order; but, as it is my duty to obey, though it cannot be done at this moment without serious consequences to the success of my mission, I will detach one of the steamers from the Bay of Yedo, and send her to Macao, where she can only be of use in contributing to the convenience of the Commissioner, as her great draught of water will render it impossible to ascend, for any useful purpose, the rivers in China.

My various letters to the department will, I think, demonstrate the correctness of this assertion. However, I have no alternative, though I cannot but express the deep disappointment and mortification to which I am subjected.

Although Mr. McLane may not find a steamer waiting for him at Macao when he arrives, I will order her to the coast of China the moment I can do so consistently with the public interests.

I am sure the department will not object to the exercise of this discretion—no possible inconvenience can arise from the delay. Mr. McLane may probably be detained some time in Europe, and the steamer may be back in time to meet him, and before he will be prepared to act.

I must confess that this order has dampened my hopes very much, but I shall do the best I can.

I am, sir, very respectfully, your obedient servant,

M. C. PERRY,

Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,

Secretary of the Navy, Washington.

Commodore Perry to the Secretary of the Navy.

[No. 38.] U. S. STEAM FRIGATE SUSQUEHANNA,

Napa, Lew-Chew, January 25, 1854.

SIR: At the moment of leaving Hong Kong, on the 14th instant, all the steamers having steam up, and the Powhatan and Mississippi with the Southampton and Lexington in tow, I received the letter of

the department bearing date the 28th of October, directing me to detach one of the steamers from my command and place her at the disposal of the Hon. R. M. McLane, Commissioner to China.

In the embarrassment which this unexpected order produced in my mind, and looking solely to what I supposed to be the intentions of the department, and my duty in giving ready obedience to its injunctions, I determined to adopt such course as I thought would subserve those considerations, and at the same time obviate, as far as might be, the serious consequences of withdrawing a steamer so suddenly from the force originally destined for Japan, a part of which having already sailed.

I was aware that the department could not have received my despatches giving an account of a previous visit to that country, and of the pledges which, in my diplomatic capacity, I had full authority to make, and did make, as will be perceived by reference to the following extract of my letter to the Emperor:

"Many of the large ships-of-war destined to visit Japan have not yet arrived in these seas, though they are hourly expected; and the undersigned, as an evidence of his friendly intentions, has brought but four of the smaller ones, designing, should it become necessary, to return to Jedo in the ensuing spring with a much larger force."

At that time I had full confidence in the early arrival on the station of the Vermont, and other vessels, of the equipment of which I had received official notice, and whose captains had been ordered to report to me, and to whom I had issued the necessary instructions; I therefore spoke with certainty of taking with me in my next visit a much larger force.

Since then, I have been duly informed that the Vermont and Allegheny had been withdrawn; and as the Plymouth is necessarily stationed at Shanghai, and the Saratoga is preparing to return home—my available force for Japan, excepting in the addition of two storeships; and now that a steamer is to be detached, will be no larger than it was last year; hence the importance of showing a *third* steamer, if nothing more; and this I propose to do by hastening my visit to Jedo, and causing the Susquehanna to be seen a few days by the Japanese, and then to send her to Macoa, in conformity to instructions, where she can arrive by the 20th or 25th of March—probably before, or by the time, Mr. McLane reaches that place.

After all that has been communicated to the Japanese by myself and officers, and through the Dutch, Russian, and other channels, of the large American force that would appear in their waters in the ensuing spring, it will be difficult for me to offer any plausible reasons for the deficiency and the non-fulfilment of my pledge made in good faith; still, it will be my duty to make the most of the means placed at my disposal—sufficient, it is true, to chastise insult, but not enough to overawe a people remarkable for sagacity.

With respect to the remarks of the department, touching my co-operation with the Commissioner to China in the diplomatic relations of the United States with that empire, I may trust that my instructions will place me upon an equal footing of power and influence with that functionary, conformably to the appointment I already hold.

This will be essential to a cordial co-operation, for I can hardly suppose that myself and entire command are to be made subject to the control of a gentleman, however wise he may be, yet much younger than myself, and far less experienced in the routine of public intercourse with strange nations; indeed, my diplomatic appointment, granted by the President in all due form, would give me priority of date, if, in its extent and general tenor, it does not award me greater powers.

But I will not permit myself to imagine for a moment, that a long life of forty-five years in the service is to terminate in a manner to bring reproach upon my naval pride. I am sure that such cannot be the intention, however the course of things may seem to lead to such inference.

I have the honor to be, very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

Commodore Perry to the Secretary of the Navy.

[No. 39.] U. S. FLAG-SHIP SUSQUEHANNA,
Napa Keang, Great Lew-Chew, January 25, 1854.

SIR: I have the honor to transmit herewith a copy, with a translation appended, of a communication received on the 14th instant, from the governor general of the Dutch East Indies, and also a copy of my reply thereto.

I had previously heard, through officers of the Russian squadron, of the reported death of the Emperor of Japan, and that similar reasons had been assigned to the Russian admiral for a non-reply to a letter from his sovereign, which he had sent to Yedo from Nangasaki.

It would seem to be singular that the Emperor of Japan, who, as we understood, was in good health at the time of our visit to Yedo Bay, in July last, should have died immediately after the appearance of the American and Russian squadrons upon the coast; and it is also singular that the law of protracted mourning, and consequent delay of public business referred to, should not have been mentioned in any of the books describing the manners and customs of the empire.

The laws of China require the eldest son of the highest classes to abstain from pleasure, company, or business, for seven weeks; but the successor to the Imperial throne assumes the government immediately, and public business is never interrupted.

The intelligence will not, however, deter me from prosecuting the plans which I had previously proposed to myself; and as this letter, together with others, will be sent by the store-ship Supply to Shanghai, there to take the mail for the United States, probably offering the last opportunity I shall have for a length of time of communicating with the department, it is proper that I should avail of the

ccasion to make the government acquainted with the nature of those lans; of the successful issue of which, however, there is, of course, nuch uncertainty.

It is known that one of the leading objects of my mission was to lemand explanations of the Japanese government respecting its reatment of American citizens, who have been accidentally thrown ıpon its shores, and to make declaration that the United States government will no longer tolerate such acts;

To endeavor to obtain the opening of one or more Japanese ports o American vessels;

And to negotiate, if possible, a treaty with the empire, upon a basis ust and equitable.

There will, I imagine, be little difficulty in bringing about suitable explanations and apologies, with assurances of kind treatment to all ıtrangers who may hereafter fall into the hands of the Japanese, as ılso friendly treatment and supplies to whaling ships anchoring in he ports of the empire; and this result would alone repay the United States government for all the expenses of the expedition.

With respect to the accomplishment of the two other objects in view, here is in my mind some doubt, unless force is resorted to; and the ıdoption of this alternative, if not brought about by the acts of the Japanese themselves, would probably put us in the wrong.

It will, therefore, become necessary in the absence of specific in-ıtructions, for me to assume certain responsibilities, and to act accord-ng to circumstances, and as my best judgment may dictate.

To this end it is my intention, should the Japanese government efuse to negotiate, or to assign a port of resort for our merchant and vhaling ships, to take under the *surveillance* of the American flag, ıpon the *ground of reclamation for insults and injuries committed ıpon American citizens*, this island of Great Lew-Chew, a dependency f the empire, to be held under such *restraint*, until the decision of ny government shall be known, whether to avow or disavow my acts. Until such action is had, the responsibility will rest solely upon me, nd I shall assume it as a measure of political precaution, for it is ertain that if I do not take preliminary steps before leaving this port or Yedo, for adopting such course, the Russians or French, or proba-ly the English, will anticipate the design.

It will be understood, that in no way will the authorities or people f the island be molested or interfered with, nor will any force be sed, unless in self-defence; in truth, we already possess all necessary nfluence in the island, which has been acquired by kindness and non-nterference with their laws and customs.

The Americans have stronger claims for redress upon the Japanese han any other civilized nation; and though it does not belong to the pirit of our institutions to extend our dominion beyond sea, positive ecessity requires that we should protect our commercial interests in his remote part of the world; and in doing so, to resort to measures, owever strong, to counteract the schemes of powers less scrupulous han ourselves.

Therefore, in my present position, I cannot but feel the weight of esponsibility which this peculiar state of things imposes upon me;

and being aware of the expectation of the government and people of the United States, with respect to Japan, I shall not flinch from the exercise of powers, the propriety of which may be, *at first*, questioned by many, but the avoidance of which would be pronounced by *all* as showing a want of sagacity and firmness on my part.

This friendly intercourse of the Americans with the inhabitants of the island has already contributed greatly to their advantage, and no one can foretell the benefits that would arise to these debased and inoffensive people by a certainty of protection from a powerful nation like ours.

The most scrupulous regard to the rights of the authorities and other classes has been observed, and they are gradually becoming less reserved; and if it were not for the numerous Japanese agents and spies, who are ever on the watch to notice and report to the Imperial government every event that transpires, *making* those who manifest any friendly regard for us *to be held accountable at some future time*, the Lew-Chewans, it is thought, would rejoice in being placed in a political position rendering them independent of the tyranny of their Japanese rulers.

The Regent, at my request, ordered, some time since, the erection of a building as a depository for coal, in which there is now about 700 tons for the use of the squadron. He has also assigned a building for the accommodation of the sick and others who reside on shore.

For these I insist on making payment, to which, in consideration of the presents made to him of cattle, &c., he has demurred; but I shall persist as I did with reference to the supplies for the ships, for which they do not now evince the least reluctance to be paid, even advancing their prices.

In regard to the Bonin islands, everything, according to the last accounts, remains as at the time of our departure from Port Lloyd.

I now beg to invite the particular attention of the department to the tenor and meaning of the foregoing observations, and to remark, that in all probability I may not have arrived at any final understanding with the Japanese, whether satisfactory or otherwise, so as to enable me to return to Hong Kong before the latter end of July next, by which time a reply to this communication may be expected in due course of mail.

And as I would earnestly request the department to instruct me whether I shall take further measures for holding possession of this island, provided the Japanese government may not comply with our just demands, or whether I am to abandon all claims upon it, and leave the authorities and people as I found them—an alternative I might hope would not be determined on, as well in justice to this defenceless and overburdened people as a regard to the commercial interests of our country.

I would also ask for instructions with respect to the Bonin islands. My former communications and my correspondence with Sir George Bonham, now before the department, will fully explain the motives

which have actuated me in visiting and exploring this interesting group.

I have the honor to be, very respectfully, your obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

[Translation.]

BUETENZORG, *December* 23, 1853.

Mr. COMMODORE: The Dutch ship "Hendrika," master Admiral, which sailed for Japan in July last, has returned to Batavia on the 15th instant.

She brings intelligence from the superintendent of our factory there, up to the 15th of November, 1853, and information of the death of the Emperor of Japan, soon after receiving the letter of the President of the United States.

The Japanese government has requested the Dutch superintendent to communicate to the American government: That this event, according to Japanese laws and customs, makes necessary the performance of many and continuing ceremonies of mourning, and extensive arrangements with respect to the succession to the throne; that during the period of mourning no business of any importance can be transacted; that the letter of the President of the United States can only be taken into deliberation when the time of mourning is over; that previous thereto, the opinions upon the subject have to be obtained from all the governors (lords) in Japan; that for that purpose the governors have to repair to Yedo in succession, (one after the other;) that all that will take much time.

The Japanese authorities have repeatedly requested the superintendent of our factory that he should inform the American government of the wish of the Japanese government not to let the American squadron return to Japan at the time fixed upon by your excellency, for fear that under the circumstances created by the decease of the Emperor, and from the several and unavoidable conferences with the Japanese authorities, and of those authorities among themselves, the American squadron might create *broil* (confusion,) as the Japanese authorities express themselves.

I believe it not necessary to go beyond informing your excellency of this wish of the Japanese government, to be filed with my letter of the 22d of September, 1852, (No. 134.)

With great respect, I have the honor to be, your excellency's obedient servant,

DUYMAER VAN TWIST,
Governor General of Netherlands India.

By order of his Excellency the Governor General:

A. PRINS, *Chief Secretary.*

His Excellency COMMODORE PERRY,
Commandant of the U. S. Squadron, destined for Japan.

U. S. STEAM-FRIGATE SUSQUEHANNA,
Napa, Lew-Chew, January 23, 1854.

SIR: I have the honor to acknowledge the receipt of the letter of your excellency of the 23d ultimo, informing me of a communication you had received from the superintendent of the factory at Dezima, announcing the death of the Emperor of Japan, and detailing the consequences that would result from this event in retarding the progress of the mission with which I have been charged.

Allow me to thank your excellency for the trouble you have taken in conveying to me this sad intelligence. I trust, however, that the present rulers of Japan have become so well satisfied of the intentions of the President in suggesting the propositions which I have had the honor of presenting, that they will not be disposed to throw any serious obstacles in the way of a friendly understanding between the two nations.

With great respect, I have the honor to be, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

His Excellency DUYMAER VAN TWIST,
Governor General of the Netherlands Indies.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT, *May* 30, 1854.

SIR: Your despatch No. 39, dated at Napa-Keang, Great Lew-Chew, January 25, 1854, has been received.

Your suggestions as to the policy and propriety of securing a coal depot at Port Lloyd are appreciated and approved by the department.

At some future and no distant day, I have no doubt, from its geographical position, it will be found convenient and important for a line of steamers to Shanghai or Hong Kong, from the Sandwich Islands or from San Francisco, to China.

Your correspondence with Sir George Bonham, in regard to the Bonin islands, was conducted with ability and in the right spirit.

Your suggestion about holding one of the Lew-Chew islands "upon the ground of *reclamation for insults and injuries committed upon American citizens*" "should the Japanese government refuse to negotiate or to assign a port of resort for our merchant and whaling ships," is more embarrassing. The subject has been laid before the President, who, while he appreciates highly the patriotic motive which prompts the suggestion, is disinclined, without the authority of Congress, to take and retain possession of an island in that distant country, particularly unless more urgent and potent reasons demanded it than now exist. If, in future, resistance should be offered and threatened, it would also be rather mortifying to surrender the island, if once seized, and rather inconvenient and expensive to maintain a force there to retain it. Indulging the hope that the contingency may not

arise to occasion any resort to the expedient suggested, and that your skill, prudence, and good judgment may enable you to triumph over the ignorant obstinacy of the Japanese without violence, it is considered sounder policy not to seize the island as suggested in your despatch.

I regret much that the order allowing our Commissioner to China the use of a steamer should have caused you embarrassment or mortification. Such was far from the design of the department. The revolution in China seems to call for great consideration from our Commissioner, and to render it important that he should have every convenient facility to advance his efforts to effect favorable negotiations for his country. And although your force is not as large as you anticipated and desired, it is larger than you had on your first visit.

Wishing you all success and fame, I am, very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore M. C. PERRY,
Commander-in-chief U. S. Naval Forces, East Indies,
Hong Kong, China.

Commodore Perry to the Secretary of the Navy.

[No. 41.] U. S. FLAG-SHIP SUSQUEHANNA,
At Sea, Feb. 9, 1854, (Lat. 30° 13′ N., Long. 132° 15′ E.)

SIR: In the hope of obtaining more satisfactory information from personal examination, I have hitherto deferred a reply to the order of the department directing me to report upon the contents of a letter addressed by Commander James Glynn to Commodore Thomas Ap C. Jones, and bearing date the 21st of February, 1850, in which he communicates the fact of having, as he supposed, discovered an island in the Japan seas, not before known to modern navigators; and, upon such conjecture, claims the right, under certain reservation, of giving it the name of the ship he then commanded.

The island represented to be seen in June, 1849, and described in the letter just referred to as bearing in a southeasterly direction from the Preble, is called, in the Japanese charts, Oho-Sima, (Great island;) and by the Chinese, Ta-tao. The islets in sight at the same time, bearing north-northwest, were examined, in 1846, by Captain Guerin, of the French corvette Sabine, and named by him Cleopatra islands.

These islands, as well as Oho-Sima and others lying contiguous, were distinctly seen from the decks of the ships of the squadron on passing them yesterday, and of which sketches were taken.

The Cleopatra islands are two in number, are small, cone-shaped, uninhabited, and lie near to each other. They are evidently of volcanic formation, the craters being clearly visible. In height, the largest has been estimated, by Monsieur Guerin, at 1,650 English feet.

Oho-Sima is the principal of what I shall call the northern group of the Lew-Chew chain; which, in connexion with the Mijako-Simas and another chain commencing with the Cleopatra islets, extend from near the north end of Formosa to Kiu-Siu, the southwestern extremity of Japan proper.

The positions of the Cleopatra isles and Oho-Sima, as established by cross-bearings taken from the Susquehanna at noon on the 8th of February, 1854, after good observations, were as follows:

South end of Cleopatra isles—Lat. 38° 48′ N.; Long. 128° 59′ 30″ E.
North end of Oho-Sima—Lat. 28° 29′ N.; Long. 129° 30′ E.

The Mijako-Sima islands have been more than once visited by foreign vessels, and more recently by the Saratoga, of this squadron, whose officers describe the inhabitants as being, in language, manners, customs, and appearance, almost identical with those of great Lew-Chew; and, if we are to judge by what we have seen of this island, we may suppose the entire chain (those, I mean, capable of sustaining a population) to have been peopled many hundreds of years.

We know that the Mijako-Sima group are governed by officers appointed by the King and council of Great Lew-Chew, and that they are frequently changed, in conformity with the insidious and jealous policy practised throughout Japan and its dependencies. We also know that these islands are subject to Lew-Chew, to the government of which they pay an annual tax; and are moreover told that Lew-Chew is a royal fief of the empire of Japan, though it is asserted by some writers that it owes fealty only to the Prince of Satsuma.

With regard to the people and government of Oho-Sima and the neighboring and probably dependent islands of Tok-Sima, Ratona-Sima, and Kikai-Sima, we as yet know but little; but it is fair to assume that they are also subject to Great Lew-Chew, and the government of the latter exercises an intermediate sovereignty between them and the empire, or possibly the Prince of Satsuma.

From what Von Seibold asserts, it seems pretty clear that this Prince receives at least the income derived from the Lew-Chew islands, which he says amounts to the annual sum of 2,240,000 guilders, nearly $900,000.

He also sustains the opinion to which I have been irresistibly led, that the three groups of Mijako-Sima, Great Lew-Chew, (or Okinawa-Sima,) and Oho-Sima, should be denominated the southern, middle, and northern Lew-Chew islands, the central government being established at the city of Shui, in the island of Great Lew-Chew.

The geographical positions of these islands, forming, as before mentioned, a continuous chain from Formosa to Japan proper, would seem to be so arranged to suit the convenience of the commerce of the unskilful Japanese, who sail in their frail, open-sterned vessels from island to island, always being careful to have a port under their lee, into which to escape on the approach of foul weather.

Oho-Sima, to which this communication should more particularly refer, is in circumference nearly 150 English miles. It is mountainous, resembling, indeed, the appearance of Lew-Chew.

It is represented by Von Seibold and other writers to be thickly populated, having all the advantages of cities, towns, villages, and commodious ports; and the wonder is that it has never, as far as we can learn, yet been visited by a Christian voyager. *I may hope to have that satisfaction*, and to be able to communicate to the department further information with respect to these interesting islands.

The recorded history of Great Lew-Chew goes back to the twelfth century, when its line of kings became allied by marriage with the Japanese dynasty. Ruins of extensive and massive castles are still found in the island; the one occupied by the present royal family is in good repair, and in architectural proportions, extent, strength, and massiveness of structure, is quite equal to many of those reared in Europe in the early and middle ages.

The roads and bridges throughout the island are of admirable structure, all giving indication of great antiquity. Many of the roads are paved with square blocks, like those in the ancient cities of Italy, and are shaded by avenues of pines and other forest trees.

The remains of fortified works, apparently intended for defence of the port of Napa, go to show that in the art of engineering the people were not deficient; and, though these works are no longer armed, they could still be made available.

To each of the principal towns belongs a commodious building, called, in the Lew-Chew language, Cung-Qua, and similar in object to the caravansaries of the East. These are constructed and kept in repair at the public expense, and here travellers can always find shelter and refreshment. It was to these public inns that the officers of the squadron, in prosecuting their explorations in the interior of the island, were conducted by their guides, and where they invariably found hospitable entertainment.

In addition to a mass of valuable hydrographical information which has already been obtained, to be forwarded in due time to the department, and to which we are constantly adding, I shall cause to be prepared, as illustrative of the opinions expressed in this communication, a sketch of the chain of islands particularly referred to.

It is nothing more than just to Commander Glynn to assume that if he was mistaken in the conclusions to which he was very naturally drawn, considering the very imperfect charts with which the ships on this station are provided, he deserves commendation for a laudable desire to contribute all in his power to the improvement of hydrographical knowledge.

It is, in truth, by such observations that the attention of the navigator is called to investigate questions thus agitated, and no one should relax in the prosecution of similar inquiries because the data upon which they found their speculations may not always prove correct.

With great respect, I am, sir, your obedient servant,

M. C. PERRY,

Commander-in-chief of the U. S. Naval Forces, East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,

Secretary of the Navy, Washington, D. C.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT,
Washington, February 25, 1854.

SIR: The department has received your No. 28, dated at Macao, December 8, 1853.

When your second visit to Japan shall have terminated, you will send to the Atlantic coast all the vessels comprising the East India squadron, with the exception of the Macedonian, Powhatan, and Vandalia.

The steamer Mississippi, as well as the Susquehanna, (for which last orders have already been given,) will return by way of the Sandwich Islands, San Francisco, &c.—the Mississippi entering the port of New York, and the Susquehanna that of Philadelphia.

The sailing vessels will return by such routes as you may deem best—the store-ships entering the port of New York, the Saratoga that of Boston, and the Plymouth that of Norfolk.

You will direct the store-ships to place in store, at either Hong Kong or Shanghai, such provisions as may not be needed for the different vessels on their homeward passage.

The Bureau of Construction, &c., will inform you of the preparations made for the coaling of the returning steamers. In this connexion, owing to the great cost of coal, the department desires again to impress upon you the necessity for economy in the use of steam, and reiterates the instructions contained in its letter of the 13th of January—that it be used on the return of the steamers only in urgent cases.

Agreeably to your request, you will return to the United States in either the Mississippi or by the overland route.

You will leave Captain Abbott in command until a successor to yourself is sent out.

The department learns with regret of the rumor of the loss of Lieutenant Matthews and the boat's crew, and trusts that they may yet be found safe.

I am, very respectfully, your obedient servant,
J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding United States Squadron,
East India and China Seas.

Commodore Perry to the Secretary of the Navy.

[No. 42.] U. S. FLAG-SHIP POWHATAN,
Off the town of Yoku-hama, Yedo Bay, March 20, 1854.

SIR: My last despatch, (No. 40,) dated the 25th January, was forwarded from Lew-Chew; since then the whole squadron, with the exception of the Plymouth, stationed at Shanghai, has been concentrated at this anchorage, at the head of Yedo Bay, and within a few miles of the capital.

From the moment of my reaching a second time these waters, I have been incessantly engaged in adopting all friendly means of bringing about a satisfactory understanding with the Japanese government, and so far have succeeded even beyond my expectations.

The most cordial relations subsist between myself and the commissioners appointed by the Emperor to confer with me, and I entertain a very strong hope that the mission to Japan may terminate as favorably as could have been expected by those acquainted with the difficulties to be encountered.

To judge from what has already passed, I might speak more confidently; but such is the character of the people with whom I have to contend, that the slightest untoward occurrence may bring about issues calculated to mar or destroy our present friendly intercourse—hence the necessity of exercising great caution; and, whilst holding the ships prepared at all times for whatever service may be required of them, to endeavor, by every honorable advance, to conciliate the confidence of the high officers of the empire; those of the second and lower classes with whom we have come in contact, seeming to desire a closer intercourse.

The department, by a perusal of the accompanying notes and the papers appended thereto, will be made acquainted with our progress thus far in the accomplishment of the objects of this mission. As the written details are too voluminous to be embraced in an ordinary despatch, I have at this time, as on former similar occasions, prepared an account of the most important transactions, in the form herewith presented.

The Susquehanna would have left to-day for Hong Kong, in obedience to the instructions of the department of the 28th of October, did I not consider it of the highest importance that she should not depart until after my next interview with the commissioners appointed for the 23d instant, when I am promised a definite answer with respect to Matsmai. She will, however, arrive in good time to meet Mr. McLane, as we have information that his departure from the United States has been delayed beyond the 12th of December, our latest dates from home.

The Vandalia and Southampton sailed this morning for Simoda, to meet a Japanese officer of rank, despatched by land, for the purpose of examining that port, in view of ascertaining its fitness for a stopping place for American vessels.

I shall, of course, visit the port myself, but at present cannot defer my negotiations with the commissioners.

Thursday, March 23.—By reference to the accompanying notes, it will be seen that the proposed meeting of the commissioners did not take place, owing to a mistake in their reference to dates, but they sent their reply to my demand for the opening of a northern port.

I have, as will be seen, conditionally agreed to this proposition, and will communicate the final result of my negotiations by the Saratoga, now waiting here to carry Commander Adams as bearer of such treaty as I shall be able to conclude—that officer to take the Panama route, when the ship will pursue her passage to Boston.

It may be well to remark here, that although the report of the

death of the Temporal Emperor has been confirmed, the event has not apparently retarded or embarrassed in the least our negotiations.

The report circulated at Shanghai that the Russians had effected a treaty with the Japanese government at their recent visit to Nangasaki, is entirely without foundation. I am assured of this officially.

With great respect, I have the honor to be your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Notes of transactions which occurred on the occasion of the second visit to Japan by the United States squadron in command of Commodore M. C. Perry.

The squadron sailing in a line ahead, the Lexington, Vandalia, and Macedonian being in tow respectively of the Susquehanna, Powhatan, and Mississippi, arrived off Uraga about 2 o'clock p. m. of the 13th of February.

As orders had been given similar to those issued by me in July last, no communication was allowed with any one from shore; and though the ships in passing the city were intercepted by government boats, the officials on board of them were beckoned not to venture alongside.

They followed us, however, to the position designated in my instructions as the rendezvous of the squadron, and called in our chart the "American anchorage," and where the six above-named ships anchored—the Southampton having arrived in advance.

It was not long before the government or mandarin boats were alongside the flag-ship, with a request from the Japanese officers that they might be admitted on board; but as I had caused the extra or captain's cabin to be removed from the Susquehanna to the Powhatan, in view of changing my flag to that ship, preparatory to the return of the former to China; and as I could not, consistently with the system of exclusiveness, which I still pursued, of not seeing any of the subordinates, admit them into my cabin, I directed Captain Adams to receive them on board the Powhatan.

Accordingly, he proceeded to that ship, accompanied by Messrs. Williams and Portman, interpreters, and Mr. Perry, my secretary. Captain Adams had been charged by me with precise and special instructions to hear all the Japanese had to say, but to give them no unnecessary information, nor to promise anything.

These people, who seemed to be mandarins of middle rank, with their Dutch interpreters, stated that the Emperor, in expectation of our arrival, had given orders to receive us in the most friendly manner, and had appointed commissioners of high distinction to meet and confer with me upon the propositions of the President, presented in July last. That a town called Kama-kura, about twenty miles be-

low Uraga, and the place where the Macedonian had got on shore, had been designated for the meeting.

As I had anchored off this town for the purpose of giving my personal attention to the extrication of the Macedonian from the perilous situation in which I found her, and saw enough to satisfy me that it would be absurd to take the ships there, and suspecting some artful design on the part of the Japanese, I directed Captain Adams to say that it was altogether unsuitable.

For this answer they were evidently prepared, as, after a little more quibbling, they declared that, although the Emperor preferred Kamakura, still he would have no objection to the negotiation being conducted at Uraga, where, in fact, a pavilion had been expressly erected for the purpose, and persons of high rank appointed to receive me, but to this end it would be necessary for all the ships to return and anchor off that town.

This proposition I also declined, upon the ground of the inconvenience and actual unsafety of the anchorage at this boisterous season, and I directed other and the following reasons to be assigned: that I felt myself bound to go to Yedo, or to approach with the ships as near to it as possible; that the anchorage was better higher up the bay, and I was desirous of securing a smooth place to anchor the ships, in view of stopping a leak of the Mississippi, and to examine the bottom of the Macedonian with the sub-marine apparatus, to see whether she had sustained much injury whilst on shore.

They replied that Uraga was the only place at which the cenferences could be held; that the Emperor had issued a decree to that effect, and it could not be changed.

Captain Adams at this stage of the conference sent Mr. Perry to communicate to me this apparent ultimatum of the Japanese; but I immediately ordered him back with a message, that, for reasons already assigned, I would not go to Uraga, but would consent to meet the commissioners anywhere between the American anchorage and Yedo; that I would not recede from the point then occupied by the squadron, but would be more disposed to move higher up the bay. During this interview many compliments and acts of courtesy were interchanged between the American and Japanese officers; refreshments were served, and offers of supplies made by the latter; but, in adherence to my instructions, not a single point was conceded.

On the 15th, the same officials, accompanied by others, again visited the Powhatan, where they were received by Captain Adams, assisted as before. The same arguments were urged to induce the removal of the ships to Uraga, but with no better success; an offer was again made for supplying wood and water, and such other refreshments as the ships needed, but they were told that we had abundance of provisions, though, in the course of time, we should require wood and water, which we would be disposed to receive as an article of necessity, even if they declined taking pay for it, but nothing else would be admitted on board the ships so long as they refused payment for the same; and for reason that the government of the United States could well pay for whatever might be furnished to its navy, and would not consent to receive supplies gratuitously.

Parties of officials visited the Powhatan on the 16th and 18th, ostensibly to inquire after my health, and to bring me delicacies of fresh oysters, eggs, confectionery, &c., but, in reality, to renew their arguments and persuasions for the ships to remove to Uraga, proposing, as a sort of compromise, that I should go there with one or two of the squadron, but I still resisted.

I was convinced that if I receded in the least from the position first assumed by me, it would be considered by the Japanese an advantage gained; and, finding that I could be induced to change a predetermined intention in one instance, they might rely on prevailing on me, by dint of perseverance, to waver in most other cases pending the negotiations; therefore, it seemed to be the true policy to hold out at all hazards, and rather to establish for myself a character for unreasonable obstinacy than that of a yielding disposition. I knew that upon the impression thus formed by them would in a measure hinge the tenor of our future negotiations; and the sequel will show that I was right in my conclusions. Indeed, in conducting all my business with these very sagacious and deceitful people, I have found it profitable to bring to my aid the experience gained in former and by no means limited intercourse with the inhabitants of strange lands, civilized and barbarian; and this experience has admonished me that, with people of forms, it is necessary either to set all ceremony aside, or to out-Herod Herod in assumed personal consequence and ostentation.

I have adopted the two extremes—by an exhibition of great pomp, when it could properly be displayed, and by avoiding it, when such pomp would be inconsistent with the spirit of our institutions; and never to recognise, on any occasion, the slightest personal superiority, always meeting the Japanese officials, however exalted their rank, with perfect equality, whilst those of comparative distinction, of their own nation, were cringing and kneeling to them; and, for motives of policy, and to give greater importance to my own position, I have hitherto studiously kept myself aloof from intercourse with any of the subordinates of the court, making it known that I would communicate with none but the princes of the empire. Up to this time, I have succeeded far beyond my expectations in maintaining this extreme point of diplomacy, and, as I believe, to very great advantage.

That there should be no misapprehension of my intentions, I prepared and directed the following note to be read to the Japanese:

"U. S. STEAM-FRIGATE POWHATAN,
"*American Anchorage, Yedo Bay, February* 18, 1854.

"The Commodore expects to be received at Yedo agreeably to the customs of all countries.

"In consideration of the size of our ships and their great value, he cannot return to the anchorage at Uraga, nor even remain at this place much longer, but will have to go higher up the bay towards Yedo, where the vessels can be more secure.

"If the great man (chief commissioner) will appoint an officer of proper rank to meet Captain Adams on shore, near where the ships

are now lying, to determine when and where the interview with the Commodore shall take place, he must let us know by noon of Tuesday next.

"The Commodore will be happy to place a ship at the disposal of the great man, to bring him up to the place of interview, and take him back again to Uraga if he wishes it.

"When the officer comes to meet Captain Adams, he had better bring a letter to show that he has proper authority, and a person must be sent to conduct Captain Adams to the place of meeting."

Visits were made to the Powhatan by the officials on the 19th, (Sunday,) bringing with them presents of refreshments; they were told that the day was set apart by the Americans as their Sabbath; but as they had come a great distance in cold and boisterous weather on an errand of kindness, they would on that account be politely received, but in future no official intercourse would be allowed on that day.

At this interview one of the principal interpreters, after the others had retired, took Captain Adams aside, and informed him in strict confidence that the Emperor had given orders to his commissioners to receive and entertain most favorably the propositions of the President presented by me, but nothing would be done to further the desired object unless I consented to have the meeting at Uraga.

Receiving no satisfactory reply to their suggestions of yesterday, the officials visited the Powhatan again to-day, the 20th, and were told that out of respect to the commissioners, who were detained at Uraga in expectation of seeing me, I would send Captain Adams to that place in one of the ships to call upon them, and to assure them personally and by letter that I would not go there myself. Accordingly, on the 21st, the same officers came from Uraga to accompany Captain Adams to that place, and to introduce him to the Japanese commissioners. They were invited to take passage in the Vandalia, and did so.

Captain Adams was the bearer of a note from me, of which the following is a copy:

"U. S. FLAG-SHIP POWHATAN,
"*American Anchorage, Yedo Bay, Feb.* 20, 1854.

"The undersigned is highly gratified to learn, through the officers of his Majesty who have visited the flag-ship, that the imperial court has come to the conclusion to respond, in the most cordial manner, to the propositions of the President of the United States which the undersigned had the honor to present in July last.

"Inasmuch as the anchorage at Uraga is unsafe and inconvenient, and considering the great size and value of the steamers composing a part of the command of the undersigned, he does not consider himself justified in removing to that place; on the contrary, he deems it necessary to seek a more commodious harbor higher up the bay; and as his instructions direct him to present himself at Yedo, it is desirable that he should approach as near as possible to that city, as well for the better convenience of communication as with reference, also, to

the arrangement and exhibition of the various presents sent by the President to his Imperial Majesty.

"As the mission of the undersigned is of a most friendly character, he is not prepared to anticipate any objection to his reception at the seat of government, conformably to the usages of all the nations of Europe and America, and he hopes that when the steamers shall have reached the vicinity of the city, and secured more suitable moorings, he may have the honor of receiving on board his ship such distinguished members of the Imperial court as may be desirous of viewing the steamers, and witnessing the working of their machinery.

"This communication will be presented by Commander H. A. Adams, captain of the fleet, who is empowered to receive any written proposition addressed to the undersigned, and place at the disposal of the commissioners of his Imperial Majesty one of the vessels of the squadron.

"With the highest respect,

"M. C. PERRY,

"*Commander-in-chief U. S. Naval Forces East India,*

"*China, and Japan Seas.*"

It was quite calm in the morning, and the Vandalia did not get under way until near noon; but before she had reached Uraga, a strong gale from the southwest, and directly ahead, prevented her from reaching the port, making it necessary for her to anchor under Point Rubicon; and Captain Adams, with his party, did not land at the town until the following day, the 22d.

He was courteously received by one of the commissioners—Izawa, Prince of Mimasaki—at the pavilion erected purposely for my reception, and, presenting my note, was told that a reply would be handed to him on the following day; and after partaking of some slight refreshments, he returned to the Vandalia, which he had scarcely reached before it again began to blow, causing much anxiety to Commander Pope, the anchorage proving very much exposed, and consequently unsafe.

Captain Adams particularly noticed the position of the building erected for the meeting of the commissioners, as being placed in a deep gorge near to the shore, and fenced in by palisades or stakes. On this being told to me, I at once declared that such obstructions would not have been tolerated; and Captain Adams, as he informed me, assured the Japanese that if I had landed at Uraga, my first act would have been to have ordered the demolition of this barricade.

The 22d being the anniversary of the birth of Washington, all the ships of the squadron fired the usual salute. Many of the Japanese gentlemen came by permission on board the flag-ship to witness the firing, with which they were much interested—the most intelligent of them having heard of the name of Washington, though they had very vague notions of his history and character.

As I had little hope of any favorable result from this visit of Captain Adams, I determined to put my threat in execution, from which I anticipated much advantage, and actually removed the squadron during his absence to within sight of Yedo—so near, indeed, that we could distinctly hear the striking of the city bells during the night.

I may as well remark here, that from the moment of the anchoring of the squadron in the bay, the surveying boats were actively employed in exploring the upper part of this magnificent sheet of water—magnificent beyond anything of the kind I have ever before seen.

As a measure of precaution, these boats always sounded in advance of the ships; and when the Vandalia, with Captain Adams on board, charged with the reply of the Japanese commissioners to my letter, had rejoined the flag-ship, the boats were absent engaged in further explorations towards the city; and though this letter intimated the impossibility of holding the conference at any other place than Uraga, it had not been in my hands an hour before Kayama Yezaimon, Governor of Uraga, made his appearance on board the Powhatan with the alleged object of receiving a reply from me, but, as it will appear, for another purpose.

Here follows a translation of the letter of the commissioner:

"*To Admiral M. C. Perry:*

"The undersigned, ambassadors of the Emperor of Japan, have perused and understood the letter of the lord admiral, and in reply may remark:

"The lord admiral is right in going up to Yedo, to be received there according to the custom in Europe and America. According to the Japanese custom, ambassadors are commissioned, and a building erected for the reception of ambassadors from foreign countries in a friendly manner and with high consideration.

"The Emperor has sent us to Uraga to receive the admiral with the highest honor, and to extend the Japanese hospitality towards him, and have the interview at that place in compliance with the order of the Emperor, regardless of the customs of foreign countries.

"We wish this to be well understood: we desire the admiral to come to Uraga, there to have the interview with us in the building aforesaid, and would gratefully acknowledge the friendly meeting of the lord admiral in complying with this order of the Emperor and our own wishes.

"Our best wishes for the health of the admiral.

"HAYASHI-DAIGAKU-NO-KAMI.

"*The 27th Siogoots*, 1854."

Yezaimon first commenced by inquiring whether I was still determined not to return to Uraga; and being answered in the affirmative, he again offered supplies, and was again told that we would receive wood and water; to which he said that the articles would be cheerfully furnished, but they could only be obtained at Uraga; and he was informed, by my order, that it was a matter of indifference to me from whence they came, as I should not go to Uraga; and if the Japanese did not bring water to us, I would send on shore and procure it, by some means.

Seeing that I was immovable in purpose, and evidently inclined to approach nearer to Yedo, he suddenly abandoned the previously assumed ultimatum of the commissioners, as to the place of meeting, and suggested, as a substitute, a very convenient spot directly opposite the

ships. To this proposition I at once acceded, the situation suiting my views, in all respects, being near to Yedo, with safe and commodious anchorage at a mile distant from the shore, and affording abundant space for the landing and preparing of the presents.

Now let us look into the deceitful conduct of these people. For the last ten days they have interposed all possible objections to the movement of the ships higher up the bay, and endeavored, by every means, to persuade me to return to Uraga; and when they found that I could not be deceived by their cajolery, and had actually approached within eight miles of the capital, they suddenly abandoned the position from which they so often assured me they could not be moved, and proposed unconditionally to concede what I had with equal but more successful pertinacity contended for.

Before deciding positively upon accepting this last proposal, I sent Commander Adams with other officers to examine the place last appointed for the conference, who soon returned with a most favorable report. The surveying boats shortly after came in with information that they had found six fathoms of water within four miles of Yedo. This intelligence at once gave me the clue to the sudden change of policy of the Japanese; but as I had never entertained the idea of abandoning the intention of getting as near with the ships to this famed capital as the depth of water would allow, and as the place of meeting last proposed suited exactly, I was satisfied with the arrangement, and accordingly prepared the following letter, to be presented to the commissioners on the first day of meeting, as a reply to the one addressed to me from Uraga, and sent by Captain Adams:

"U. S. FLAG-SHIP POWHATAN,

"*At anchor off the town of Yoku-hama, Yedo Bay, March* 1, 1854.

"YOUR EXCELLENCY: The letter of your excellency from Uraga was duly delivered by Captain Adams; and shortly after, when it was ascertained that I could not agree to return to Uraga, Kayama Yezaimon suggested that the negotiations might be conducted at a village opposite the present anchorage of the squadron.

"Being exceedingly desirous of meeting the wishes of your excellency, in every way consistent with the honor and interest of my country, and learning that the place pointed out was in all respects convenient for the purpose, I at once consented to defer my visit to Yedo until after the completion of the negotiations.

"I the more readily entered into this arrangement, as, on examination of the port by the surveying boats, it has been found that the ships can approach near to the city, where I propose at some future time to anchor them, as well to do honor to his Imperial Majesty by salutes, &c., as to be in full view of the palace, and convenient to be visited by such of the court as may desire to examine the steamers and their machinery, and I hardly need say that they will be kindly and politely received.

"With the most profound respect,

"M. C. PERRY,

"*Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas, and Special Ambassador to Japan.*

His Highness HAYASHI-DAIGAKU-NO-KAMI, &c., &c., &c.

It struck me that it was better to have no treaty than one that would in the least compromise the dignity of the American character, and to agree to any arrangement that would recognise, in the remotest degree, the restrictions submitted to by the Dutch, could not for a moment be thought of.

As soon as the weather would permit, the surveying boats were sent to examine the anchorage opposite the place agreed upon for the conference and the erection of another council-house; and after receiving a favorable report, I directed the squadron to be moored in a line abreast, within a mile of Yoku-hama, and covering with their heavy guns an extent of shore of five miles.

On anchoring, we observed great numbers of workmen busily employed in the erection of a large irregular edifice, intended as a substitute for the one abandoned at Uraga.

It is probable that arrogance may be charged against me for persisting as I did, and against the judgment of all about me, in changing the place of conference, and thus compelling four Princes of the Empire to follow the squadron, and subjecting the government to the trouble and expense of erecting another building; but I was simply adhering to a course of policy determined on after mature reflection, and which had hitherto worked so well.

The ships had not been long at anchor before a number of the Japanese officials came on board the flag-ship, and stated that the Imperial commissioners would be ready to receive me so soon as the building should be finished.

They made daily visits to the ship, and brought me the names of the dignitaries who have been empowered by the Emperor to meet me.

Here follow their names and titles:

Hayashi, (Daigaku-no-kami,) member of council.

Ido, Prince of Tsu-Sima.

Izawa, Prince of Mima-saki.

Udono, (Mimbu-Shiyoyu,) member of board of revenue.

Subsequently a fifth, Matsusaki Michitaro, was added to the number; so that, being myself alone, the odds were as one to five.

It was not long before the building was completed and furnished, and I was duly notified that the five commissioners would be ready to receive me on Wednesday, the 8th of March, at noon. Accordingly, every preparation was made in the squadron to distinguish the occasion of our second landing in Japan by all necessary parade, knowing, as I well did, the importance and moral influence of such show.

At 11.30 a. m. on the day appointed, the escort, consisting of about five hundred officers, seamen, and marines, fully armed, embarked in twenty-seven barges, in command of Commander Buchanan, and forming a line abreast, pulled in good order to the shore. The escort having landed and drawn up, I followed in my barge under an appropriate salute, and landing, was received by the escort and a party of Japanese officials, and conducted to the hall prepared for the conference, where I found in waiting the five commissioners, and was invited to be seated opposite the chief personage.

At this moment salutes were fired, from the howitzers mounted in the launches, of twenty-one guns, in honor of the Emperor, and seven-

teen for the Japanese commissioners. This display in landing was made altogether for purposes of policy, in accordance with the reasons already assigned.

After suitable interchanges of courtesy, I was requested to retire, with my suite, to an inner apartment, where the necessary business could be conducted undisturbed. Accordingly, accompanied by the captain of the fleet, the two interpreters, and my secretary, I withdrew with the commissioners to an adjoining room, separated from the principal hall by a flag suspended across the entrance. Refreshments having been served, a reply to the letter of the President presented in July last was handed to me and translated from the Dutch by Mr. Portman, and I replied to it verbally. I then handed to the chief commissioner a draught of a treaty, which I had previously prepared, as the basis of one which I was desirous of negotiating with the Imperial government. This was accompanied by three other papers—one being a reply to the communication of the chief commissioner adressed to me from Uraga, a copy being appended and marked B; another a statement of my views with respect to the policy of bringing about a mutually advantageous compact between the United States and Japan, a copy also appended and marked C; and the third a memorandum, likewise appended and marked D, in further explanation of the motives which would govern me in conducting the negotiations, and asking for certain relaxations of the Japanese laws with respect to the squadron.

As it would happen, a marine belonging to the Mississippi had died two days before this conference, and the very first matter to be discussed was the suitable interment of the body. I had apprehended much difficulty upon this point, and had in my own mind determined, if the Japanese persisted in forbidding the interment within either of their numerous burial places, to have effected the object, let what might occur, upon the small island called in our charts "Webster island," and lying convenient to the "American anchorage." I was pretty well satisfied that once the body was in the ground, it would not be disturbed; and as others of the squadron might die during our stay, it would be a very appropriate place of interment for all; and I was moreover anxious, for special reasons, to acquire an interest in this island to subserve some ulterior objects.

The proposition seemed to perplex the Japanese commissioners, and after some consultation they retired to discuss the question alone; and on leaving, requested that in their absence we might partake of a few Japanese dishes.

I observed that we should be most happy to do so, but it would be more consonant to our notions of hospitality if the commissioners were to join us, as the breaking of bread together was, amongst many nations, considered an evidence of friendship. They replied that they were unacquainted with foreign customs, but would cheerfully join us. Upon this they all retired; but shortly after, the second and third in rank of the number returned and the collation was served, and all went off in apparent kindness and good nature.

It was not long before the entire board was again in session, and a written reply to my request respecting the interment presented by

the chief commissioner, and to the purport that, as a temple had been set apart at Nangasaki for the interment of strangers, it would be necessary that I should send the body to Uraga, whence, at a convenient season, it might be conveyed in a Japanese junk to the former named place. To this I objected, remarking that undisturbed resting-places for the dead were granted by all nations, and then proposed to send boats and inter the body at Webster island; but to this they evinced strong objections, and, after considerable discussion amongst themselves, finally consented to allow the interment to take place at Yoku-hama, at a spot adjoining one of their temples, and in view of the ships; and they observed that, as the novelty of the scene might attract an inconvenient crowd, the authorities would send on board the Mississippi in the morning an officer to accompany the funeral party.

Accordingly, on the following day, one of the interpreters made his appearance, and the corpse was taken on shore, in the usual manner, and placed in a grave near to a Japanese temple, with all religious ceremony, conformably to the forms of the Episcopal church; since which, a neat enclosure of bamboo has been put up by the Japanese authorities.

The day after the c nference, a formal reply to the letter of the President was sent to me, together with a Dutch translation—an English translation of which is appended marked E, as also a copy of my reply, marked F.

It will be seen that the Imperial government is prepared to concede much more than was anticipated by many; but entertaining the opinion that something still more advantageous might be gained, I thought it good policy to hold out for a specific treaty.

In delivering the reply to the letter of the President, they stated that the commissioners would be ready for receiving the presents on Monday, the 13th. Accordingly, they were landed with much ceremony by a detachment of twenty-four boats, in command of Captain Abbot, and safely placed in a building adjoining the conference-house, and engineers and operatives were sent from the ships to put together and arrange the various articles preparatory to the work of instructing the Japanese in their several uses.

On the 13th, the day the presents were landed, I sent a message to the commissioners requesting them to meet me at the conference-house on the 15th, to discuss the several articles of the treaty which they had submitted for my approval and signature. They replied that they should be much employed until Thursday, and suggested that day as more convenient, provided it was fair, the messenger remarking that the Japanese did not like to expose themselves to bad weather.

It stormed on Thursday, and consequently the meeting did not take place until the following day, the 17th, the commissioners arriving about noon from Kana-ga-wa, in a mignificent barge, or rather galley, covered with banners.

On landing, I was conducted immediately to the private room set apart for the discussion, and we at once proceeded to business. A paper, written in Dutch, was now presented, similar in purport to the

one which had been previously sent me in the Chinese language; from the latter version Mr. Williams had made an English translation, which, being compared with the Dutch copy, may be read, with the replies respectively submitted by me, as follows:

PROPOSITIONS OF JAPANESE COMMISSIONERS, WITH REPLIES OF COMMODORE PERRY.

First Japanese proposition.

From the next first month, wood, water, provisions, coal, and other things, the productions of this country, that American ships may need, can be had at Nangasaki; and after five years from this, a port in another principality shall be opened for ships to go to.

NOTE.—Those articles to be charged at the same prices that are charged to the Dutch and Chinese, and to be paid for in gold and silver coin.

Commodore Perry's reply.

Agreed to; but one or more ports must be substituted for Nangasaki, as that is out of the route of American commerce; and the time for the opening of the ports to be agreed upon must be immediate, or within a space of sixty days. The manner of paying for articles received shall be arranged by treaty.

Second Japanese proposition.

Upon whatever part of the coast people may be shipwrecked, those people and their property shall be sent to Nangasaki by sea.

NOTE.—When, after five years shall have expired, and another harbor shall be opened, those shipwrecked men will be sent either there or to Nangasaki, as may be most convenient.

Commodore Perry's reply.

Agreed to, excepting as to the port to which the shipwrecked men are to be carried.

Third Japanese proposition.

It being impossible for us to ascertain who are pirates and who are not, such men shall not be allowed to walk about wherever they please.

Commodore Perry's reply.

Shipwrecked men and others who may resort to the ports of Japan are not to be confined, and shall enjoy all the freedom granted to Japanese, and be subject to no further restraints. They shall, however, be held amenable to just laws, or such as may be agreed upon by treaty.

It is altogether inconsistent with justice, that persons thrown by the providence of God upon the shores of a friendly nation should be looked upon and treated as pirates, before any proof shall be given of their being so; and the continuance of the treatment which has hitherto been visited upon strangers, will no longer be tolerated by the government of the United States, so far as Americans are concerned.

Fourth Japanese proposition.

At Nangasaki they shall have no intercourse with the Dutch and Chinese.

Commodore Perry's reply.

The Americans will never submit to the restrictions which have been imposed upon the Dutch and Chinese, and any further allusion to such restraints will be considered offensive.

Fifth Japanese proposition.

After the other port is opened, if there be any other sort of articles wanted, or business which requires to be arranged, there shall be careful deliberation between the parties in order to settle them.

Commodore Perry's reply.

Agreed to, so far as it applies to ports other than Nangasaki.

Sixth Japanese proposition.

Lew-Chew is a very distant country, and the opening of its harbor cannot be discussed by us.

Commodore Perry's reply.

As there can be no good reason why the Americans should not communicate freely with Lew-Chew, this point is insisted on.

Seventh Japanese proposition.

Matsmai is also a very distant country, and belongs to its Prince; this cannot be settled now, but a definite answer on this subject shall be given when the ships are expected next spring.

Commodore Perry's reply.

The same with respect to the port of Matsmai, for our whaling-ships, steamers, and other vessels.

These propositions and replies were consecutively discussed, the commissioners interposing all possible difficulties, contending that the laws of the empire were of such a character as positively forbade

the concessions I demanded, and remarking that Nangasaki was set apart for the admission of strangers; that the inhabitants and authorities of that city had been trained to enforce the laws with respect to foreigners; and if the Americans were to have another port assigned to them, five years would be required to make similar preparations.

I replied that that was one of my reasons for objecting to this port—that its inhabitants and authorities, having been so long accustomed to the servility of foreigners, would doubtless exact more from the Americans than they would be inclined to submit to, and serious consequences would follow; and, moreover, it should be well understood that my countrymen visiting Japan must be free from all those oppressive laws which have hitherto been enforced upon strangers; in a word, I would not think of accepting Nangasaki as one of the ports.

I told them that I should expect, in the course of time, five ports to be opened to the American flag; but, at present, would be content with three, as follows: One in the island of Niphon, and suggested either Uraga or Kagosima; another in Jesso, (Matsmai;) and a third in Lew-Chew, (Napa-Keang;) and would defer all discussion in respect to the other two to some future time.

To this, after many evasions, they answered, that as I positively refused to accept Nangasaki, and having themselves objections to the selection of Uraga, they proposed the port of Simoda, in the principality of Idzu, as one in every way suitable and convenient; remarking, at the same time, that Lew-Chew was a distant dependency, over which the Crown had limited control, and, consequently, they could not entertain the proposition; that Matsmai also stood very much in the same relation to the Imperial government.

Notwithstanding all these objections, I still persisted in my demands; and seeing me determined to hold out, they proposed to retire to another room to consult upon the matter.

After an absence of an hour, the whole board again convened in the council-room, and gave, as the result of their deliberations, that longer time would be required to decide upon the expediency of opening the port of Matsmai.

They further remarked, that it was not in the power of the Crown to grant the required privilege of this port without consulting the Prince under whose hereditary right it was governed; that to do this would require a year, at the expiration of which time they would be prepared to give a reply. I told them I could not leave Japan without a reply of some sort; that if the Prince to whom they referred was an independent sovereign, I would go to Matsmai and negotiate with him. Finally, the interview ended by their saying that they would give me a definite answer on Thursday, the 23d.

Before adjourning, however, it was agreed that one or more vessels of the squadron should be despatched to the port of Simoda, to be met by a Japanese officer of rank, for the purpose of examining the harbor, in view of determining its fitness for the required purposes, it being clearly understood that if it did not answer my expectations in all respects, I should insist on another somewhere in the southern part of Niphon.

The position of this port as a stopping-place for steamers and other

vessels plying between California and China, and for whaling-ships cruising in this part of the Japan seas, could not be more desirable, lying, as it does, just within Cape Idzu, or Nogatsura, with a clear and open navigation towards the sea. It is easy of access, and vessels would be taken but a short distance from their route in resorting to it. The commissioners represent it as safe, commodious, and convenient for obtaining such supplies as the country can furnish, which are limited, owing to the remarkable abstemiousness of the Japanese in the use of animal food.

However, I may expect, on the return of the vessels which are to be despatched to examine the port, an account sufficiently accurate to enable me to decide whether or not to accept it.

Matsmai is equally convenient in position for vessels passing more to the north, and through the Straits of Sangar, a vicinity much frequented by our whalers; and it is a question whether, in making the passage from San Francisco to Shanghai, this may not be the nearest, though certainly not the safest route.

The department has already been fully informed by me of the superior advantage of securing a port in Lew-Chew.

Thus, if I succeed in obtaining free access to the required ports in Japan, we shall have three very convenient places of resort and refreshment for our ships, nearly equidistant from each other, and belonging to an empire from which our flag has hitherto been by law excluded.

Peel island, one of the Bonin group, would make the fourth.

Before separating from the commissioners, I called their attention to the details of our conversation, remarking that my secretary had taken full notes, and suggested that, to prevent mistakes, they should send me a written statement of their understanding of the verbal agreements already arranged between us. To this proposition they at once assented; and, accordingly, the chief interpreter brought on board a paper, of which the following is a translation, strongly indicative, it would seem, of the good faith in which they intend to act.

Japanese statement of points agreed upon in the interview of Commodore Perry with the Japanese commissioners on the 17th of March, 1854, appended and marked G.

1st. The citizens of the United States will not submit to degradations like those imposed upon the Dutch and Chinese, in their confinement at Nangasaki; that place is not convenient for ships to resort to, and does not answer the purpose.

2d. Lew-Chew is a very distant country, and a definite answer cannot be given.

3d. Matsmai is a very distant place, and belongs to a prince. This point cannot be settled now; some time will be required for negotiation, until the first month of our next year; because the concurrence of the central government and of the Prince of that country are both necessary to effect a result; a negotiation of the admiral with that Prince, therefore, would be to no purpose.

It was stated that an answer had better be given at once. There was time enough to have that harbor opened by the above-mentioned

time; that it was not probable that in the first years t
would be resorted to by many ships, because some time w
quired to communicate this decision to the government, a
it generally known.

In consideration thereof, it was agreed that a final ans
be given on the 23d of March, (the 26th of the Japanese m

It being mentioned, that besides Lew-Chew and Mat
harbors in Niphon would be required, it was suggested th
bor of Simoda could be opened for the ships of the United
agreed that two ships of the squadron would sail on the 19t
to make a survey of that harbor; and, further, that some
officers, to go by land, would arrive at that place on the 2
and that the captains of those ships would await the arriv
officers before proceeding to survey, permit any one to land

That shipwrecked men should meet with kind treatme
free as in other countries.

Agreement made upon due consideration:

Wednesday, March 22.—The chief interpreter visited the
to-day, to inform me, that owing to an error in referring
panese calendar, a mistake had been made as to the next d
ing of the commissioners, on which occasion I was to h
definitive answer with respect to Matsmai; but inasmuch a
swer was promised on the 23d, it would be sent on board
day succeeding, the commissioners would be prepared to
on shore, and to present, in due form, the return presents
Emperor, to be sent to the United States.

The chief interpreter also informed me that the commiss
appointed Saturday, the 25th, to dine with me on board the
in accordance with my invitation, and request that they w
day. To this I suggested that as Saturday might prove st
our Sabbath following, on which day I could not receive c
would prefer to have the honor of their presence on Mond
was so arranged.

Thursday, March 23.—The chief interpreter, according t
ment, came on board the Powhatan to-day, accompanied
other officials, and brought the reply of the commissione
demand for the opening of a port for the admission of Ame
sels in the Straits of Sangar, island of Matsmai or Yesso.

The document was written in the Japanese, Chinese, a
languages, and the one in Japanese signed by the four
commissioners. Here follows a translation from the D
another from the Chinese may be found in the appendix, le

"Ships of the United States of North America in want
ions, wood, and water, shall be supplied in the harbor of 'Ha
as has been desired. Some time will be required to make
tions, inasmuch as this harbor is very distant; consequent
mencement can be made the 7th month of next year, (the
tember, 1855.) Kaei Sitzinen Nigoats. (March 23, 1854.)

"Seals attached by order of the high gentlemen.

"MORYAMA EINO

* This is near to the city of Matsmai, and has a better harbor.

I informed the interpreter that I would consent to the proposition of the commissioners assigning this port, in the island of Matsmai or Yesso, as a northern port of resort for American ships, provided, on examination, it proved to be equal to the favorable description he gave of it, and the time for throwing it open should be fixed at an earlier period; and further remarked, that I would discuss these matters with the commissioners at our next business interview.

Hakodadi is situated at the eastern entrance of the Straits of Sangar, in about forty-two degrees north latitude, and is in all respects convenient, in geographical position, as a stopping-place for our whaling-ships cruising in that region—many of them passing annually through this channel into the sea of Japan, in pursuit of whales.

Von Siebold states that sixty-eight square-rigged vessels were counted by the Japanese as passing Hakodadi and Matsmai in one year—nearly all, it is presumed, American—and not one daring to approach the shore within gunshot.

Golownin also refers to it as follows:

"The city of Hakodadi, the second in magnitude on the island, is situated on its southern coast, on the declivity of a high circular hill, which rises above the peninsula there formed; it is washed on the south by the bay of Sangar, on the north and west by the bay of Hakodadi, which is very convenient for receiving a large fleet. The peninsula forms its junction on the east by a narrow strip of land, so that there is at once a view of both the open sea and the low grounds."

The necessity of despatching the Susquehanna early in the morning to enable her to get clear of the bay before dark, makes it proper that I should bring this paper to a close.

Details of all future transactions during the remainder of the stay of the squadron in these seas will be continued in the same form.

And I may remark, in conclusion, that in the short time we have been in this bay, about five weeks, we have conciliated, in a great degree, the confidence of the authorities and people; have established a magnetic telegraph upon the land, almost as perfect as any in the world, a mile in a direct line, by which words in English, Dutch, and Japanese, have already been conveyed; have laid down the entire railroad track sent from the United States, and put the steam-engine, tender, and cars, in excellent practical operation, carrying round the circle many of the astonished natives; have exhibited and explained the use of numerous useful inventions of our country, especially implements of husbandry; and all without the occurrence of the slightest unfriendly act from either side.

Respectfully submitted:

M. C. PERRY,

U. S. Flag-Ship Powhatan, off the town of Yoku-hama, Yedo Bay, Japan, March 23, 1854.

B.

U. S. FLAG-SHIP POWHATAN,
At anchor off the village of Yoku-ha
Yedo Bay, March

YOUR EXCELLENCY: The letter of your excellency from
duly delivered to me by Captain Adams, and shortly afte
was ascertained that I could not agree to return to Urag
Yezaimon suggested that the negotiations might be con
village opposite the present anchorage of the squadron.

Being exceedingly desirous of meeting the wishes of y
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can approach near to the city, where I propose at some futu
anchor them, as well to do honor to his Imperial Majesty
&c., as to be in full view of the palace, and convenient also
ited by such of the court as may desire to examine the ste
their machinery; and I hardly need say that they will be
politely received.

With the most profound respect,
M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, Ch
and Japan Seas, and Special Ambassador t

His Highness HAYASHI-DAIGAKU-NO-KAMI, *&c., &c*

C.

UNITED STATES FLAG-SHIP POWHATAN
Yedo Bay, off the town of Yoku-hama, March

YOUR EXCELLENCY: In presenting for the consideration of
ness the accompanying draught of a treaty, which, in all it
features, is identical with that at present subsisting be
United States and China, I again venture to urge upon th
government of Japan the importance of establishing a frien
standing with the nation which I have the honor on this
represent.

It would be needless in me to reiterate the arguments a
vanced in support of a measure so fraught with the best i
the two nations, and so necessary to the peace and prosperity

I have in a former communication remarked that the P
the United States entertains the strongest desire, and c
most fervent hope, that the mission which he has intru
charge may result in the accomplishment of a treaty mutu
ficial, and tending to avert, by timely negotiation, the co
that would otherwise grow out of collisions certain to ari

the present undefined relations between the two countries much longer continue.

In the increasing number of American ships almost daily passing and repassing the territories of Japan, the President is apprehensive of the occurrence of some further act of hostility towards the unoffending citizens of the United States who may be thrown by misfortune upon your shores, and hence his wish to establish a treaty of friendship, which shall give assurance of the discontinuance of a course of policy, on the part of the Japanese, altogether at variance with the usages of other nations, and no longer to be tolerated by the United States.

As an evidence of the friendly intentions of the President, and to pay the highest honor to his Imperial Majesty, he has sent me in command of a number of ships—to be increased by others which are to follow—not only to bear to his Majesty the letter which I have already presented, but to evince, by every suitable act of kindness, the cordial feelings entertained by him towards Japan.

That there might be sufficient time allowed for a full consideration of the just and reasonable demands of the President, I took upon myself to withdraw the ships in July last from the coast, and have now, after an absence of seven months, returned, in the full expectation of a most satisfactory arrangement.

Another proof of the friendly disposition of the President has been given in his sending for exhibition to the Imperial court three of the magnificent steamers of the United States, of which there are many thousands, large and small, in America; and he has also sent, for presentation to the Emperor, many specimens of the most useful inventions of our country.

Therefore, after all these demonstrations of good will, it would be strange if the Japanese government did not seize upon this very favorable occasion to secure a friendly intercourse with a people anxious to prevent, by wise and prudent foresight, all causes of future misunderstanding and strife.

It will be observed that there is no western nation so intimately connected with the peace and welfare of Japan as the United States, a part of whose territory lies opposite the Imperial coast, and whose commerce covers the Pacific ocean and Japan seas; not less than five hundred large ships being engaged exclusively in those regions in pursuit of whales, the crews of many of which suffer for want of water and other refreshments; and it would seem nothing more than common humanity to receive those who may seek shelter in the ports of Japan with kindness and hospitality.

The government of China has derived much benefit from its treaty with the United States. The purchase of teas by the Americans during the present year will amount to three million six hundred thousand (3,600,000) taels, and of raw and manufactured silks to nearly three millions (3,000,000) of taels.

Nearly thirty thousand subjects of the Emperor of China have visited America, where they have been kindly received, and permitted by the American laws to engage in whatever occupation best suited them. They have also been allowed to erect temples, and to enjoy in all freedom their religious rites. All have accumulated money, and

some have returned to China, after a short absence, with sums varying from 300 to 10,000 taels.

I have adverted to these facts merely to show the advantages that would grow out of such a treaty as I now propose, and to remark again that some amicable arrangement between the two nations has become positively necessary, and for reasons already explained.

Indeed, I shall not dare to return to the United States without carrying with me satisfactory responses to all the proposals of the President, and I must remain until such are placed in my possession.

With the most profound respect,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas, and special Ambassador to Japan.

His Highness HAYASHI-DAIGAKU-NO-KAMI, *&c., &c.*

D.

Note handed to First Commissioner on Wednesday, March 8, and verbally discussed, through the interpreters, at the time.

The American ambassador learns with pleasure that the Japanese government is disposed to enter into some friendly arrangement with the United States. As such is happily the case, it would be much more advantageous to both nations, and especially to Japan, if a treaty is agreed upon, even if it be of short duration; for reason that the citizens and subjects of both the contracting powers would be mutually bound by law to conform to all its stipulations, and thus prevent mistakes and consequent disputes.

This is the practice with all other nations; and such is the present condition of the world, that these treaties have become necessary to avert contention and war. The obligations to conform to them are enjoined as well by considerations of honor, as the preservation of the peace and prosperity of the respective countries; and it would be impossible for the western nations to preserve friendly intercourse if it were not for similar treaties.

Although we have abundance of prepared provisions in the squadron, it would be desirable to obtain daily supplies of fresh meet, vegetables, &c., for which we would pay the prices demanded. Wood and water will, of course, be wanted, and for a supply of which we shall be thankful.

The health of the officers and men require that they should have exercise on shore; and though I have hitherto, out of respect to the Japanese laws, forbidden any one to land except for purposes of duty, I feel assured that some arrangement will be made to admit of some reasonable intercourse with the neighborhood.

Copies of the surveys which the officers are employed in making will be presented to the Imperial government; and, to make them more perfect, it will be necessary to place signal-poles at some points

on shore by which to measure the angles; therefore it is requested that the officers landing for such purposes may not be molested.

It is thought that the business of the negotiation would be facilitated by submitting the several questions and replies that may arise in writing.

M. C. PERRY.

E.

Translation of answer to the letter of the President to the Emperor of Japan.

"The return of your excellency, as ambassador of the United State to this empire, has been expected according to the letter of his Majesty the President, which letter your excellency delivered last year to his Majesty the Emperor of this empire.

"It is quite impossible to give satisfactory answers at once to all the proposals of your government, as it is most positively forbidden by the laws of our Imperial ancestors; but for us to continue attached to the ancient laws, seems to misunderstand the spirit of the age: however, we are governed now by imperative necessity.

"At the visit of your excellency last year to this empire, his Majesty the former Emperor was sick, and is now dead. Subsequently, his Majesty the present Emperor ascended the throne; the many occupations in consequence thereof are not yet finished, and there is no time to settle other business thoroughly. Moreover, his Majesty the new Emperor, at the succession to the throne, promised to the princes and high officers of the empire to observe the laws. It is therefore evident that he cannot now bring about any alteration in the ancient laws.

"Last autumn, at the departure of the Dutch ship, the superintendent of the Dutch trade in Japan was requested to inform your government of this event, and a reply in writing has been received.

"At Nangasaki arrived recently the Russian ambassador to communicate a wish of his government. He has since left the said place, because no answer would be given to whatever nation that might communicate similar wishes. However, we admit the urgency, and shall entirely comply with the proposals of your government concerning coal, wood, water, provisions, and the saving of ships and their crews in distress. After being informed which harbor your excellency selects, that harbor shall be prepared, which preparation it is estimated will take about five years. Meanwhile a commencement can be made with the coal at Nangasaki by the next Japanese first month (Siogoots,)—(16th of February, 1855.)

"Having no precedent with respect to coal, we request your excellency to furnish us with an estimate, and upon due consideration this will be complied with, if not in opposition to our laws. What do you understand by provisions, and how much coal?

"Finally, anything ships may be in want of that can be furnished

from the production of this empire shall be supplied. The merchandise and articles of barter to be fixed by Kurak and Moryama Yenoske. After settling the points before the treaty can be concluded and signed at the next intervie

"Seals attached by order of the high gentlemen.

"MORYAMA YEN

F.

U. S. FLAG-SHIP POWHATAN,
At anchor off the town of Yoku-ha
Yedo Bay, March 1

YOUR HIGHNESS: In reply to the communication of your which was brought to me yesterday by Kurakawa Kahei chief interpreter, Moryama Yenoske, I hasten to remark given me the greatest satisfaction to learn from its content Imperial government of Japan has at last awakened to a of the necessity of so altering its policy with respect to foreig as to consent to an interchange of friendly intercourse with States.

Though the propositions set forth in the communicatio highness furnish strong evidence of the enlightened spirit the Imperial commissioners are disposed to meet the s which I have had the honor to submit, they fall far short of pations, and I do not hesitate to say that they would not views of the President.

I cheerfully accede to those of the propositions of you which offer to guaranty kind treatment to such vessels of States as may hereafter visit the ports of Japan, or be wre its coasts with protection, and suitable hospitality to the p may belong to them.

Also, that provisions and other supplies shall be furnishe and payment received for the same.

Also, that American steamers shall be supplied with quantities of coal, and at fair and equitable prices.

These are all very well so far as they go, and can be in in the treaty which I shall expect to make; but my instru quire me to look for an intercourse of a more enlarged a character, and I feel assured that the Imperial governmen sideration of the spirit of the age, and with the full knowle strong desire to conduct my mission in peace and friendshi longer hesitate to enter with cordiality into a treaty that w tually honorable and advantageous to both nations.

The convenience of the immense and growing commerce ted States in these seas will require, certainly, as many port in Japan as are specified in the treaty with China, and the free from any restrictions not recognised by the usages o independent nations.

In a word, I again earnestly urge upon your highness th

fixing upon some written compact that will be binding as well upon the citizens of the United States as the subjects of Japan.

It would be needless in me again to express the sincerest desire of my heart to bring these negotiations to an amicable and satisfactory termination; nor will I again allude to the importance of such an issue—important as well to save time as to prevent the necessity of sending from America more ships and men, and possibly with instructions of more stringent import.

I have the power and the wish to meet the Imperial commissioners in all good faith, believing that there can be no more favorable time than the present to settle all the questions under consideration in such manner as will bring about a good understanding between two nations, whose geographical positions, lying in comparative proximity, would seem to enjoin, as a measure of wise foresight, a mutual interchange of those acts of kindness and good will which will serve to cement the friendship happily commenced, and to endure, I trust, for many years.

With profound respect,

M. C. PERRY,

Commander-in-chief U. S. Naval Forces, East India, China and Japan Seas, and Special Ambassador to Japan.

His Highness HAYASHI-DAIGAKU-NO-KAMI, *&c., &c., &c.*

G.

Japanese statement of points agreed upon in the interview of Commodore Perry with the Japanese commissioners on the 17th of March, 1854.

1st. The citizens of the United States will not submit to degradations like those imposed upon the Dutch and Chinese in their confinement at Nangasaki; that place is not convenient for ships to resort to, and does not answer the purpose.

2d. Lew-Chew is a very distant country, and a definite answer cannot be given.

3d. Matsmai is a very distant place, and belongs to a Prince. This point cannot be settled now; some time will be required for negotiation, until the first month of our next year; because the concurrence of the central government and of the Prince of that country are both necessary to effect a result. A negotiation of the admiral with that Prince, therefore, would be to no purpose.

It was stated that an answer had better be given at once; there was time enough to have that harbor opened by the above-mentioned time; that it was not probable that in the first years that harbor would be resorted to by many ships, because some time would be required to communicate this decision to the government and to have it generally known. In consideration thereof, it was agreed that a final answer should be given on the 23d of March (the 26th of the Japanese month.)

It being mentioned that besides Lew-Chew and Matsmai, more harbors in Niphon would be required, it was suggested that the harbor

of Simodi could be opened for the ships of the United States; and agreed that two ships of the squadron would sail on the 19th of March, to make a survey of that harbor; and further, that some Japanese officers, to go by land, would arrive at that place on the 22d inst., and that the captains of those ships would await the arrival of those officers before proceeding to survey, permit to land, &c.

That shipwrecked men should meet with a kind treatment, and be free as in other countries.

Agreement made upon due consideration.

H.

Dutch translation of letter from Japanese Commissioners.

"Ships of the United States of North America, in want of provisions, wood, and water, shall be supplied in the harbor of Hakodadi, as has been desired. Some time will be required to make preparations, inasmuch as this harbor is very distant; consequently, a commencement can be made the seventh month of next year, (the 17th of September, 1855.") "Kaei Sitzinen Nigoats." (March 23, 1854.)

Seal attached by order of the high gentlemen.

MORYAMA YENOSKE.

Chinese translation.

"The ships of your country passing by, and in want of provisions, fuel, and water, are permitted to come into the port of Hakodade and procure them, and we desire that this permission may be considered as granting what was requested by your government. But as this place is a distant spot, and much time will be requisite to prepare and settle everything, we therefore set the time for opening this port, in the seventh month (September 6 to October 5) of next year," (1855.)

Kayei 7th year, 2d month, 25th day. (March 23, 1854.)

HAYASHI.
IDO.
ISAWA.
UDONO.

Note from the Japanese Commissioners to Commodore Perry.

At our personal interview, on the 8th, you presented us a paper in which the President's views were expressed; and on the 11th we received a reply to our letter, in which the same views were given as at the interview in relation to the commerce your country now has with China; both of which we have carefully examined, and learn that you wish to ascertain whether we are ready to adopt the same that the Chinese have. The burden of that which you presented on the 8th is similar to that which was sought in the President's letter,

and you gave it to learn whether we would adopt it or not. In our letter it was plainly stated that our Emperor had but lately acceded to his throne, and all the numerous affairs of government required to be quietly settled, and that he had no leisure for extraneous negotiations. Consequently he last autumn sent, through the superintendent of the Dutch shipping, to make this known to you, for you to communicate it to the United States.

Among those points which you now propose for adoption, the two items of extending succor and protection to the distressed and wrecked vessels on our coast, and of furnishing coal to passing ships and supplying provisions and other necessaries to those who may be in need of them, are founded in reason, and ought to be granted without hesitation. But as to opening a trade, such as is now carried on with China by your country, we certainly cannot yet bring it about. The feelings and manners of our people are very unlike those of outer nations; and it will be exceedingly difficult, even if you wish it, to immediately change the old regulations for those of other countries. Moreover, the Chinese have long had intercourse with western nations, while we have had dealings at Nangasaki with only the people of Holland and China. Beside them, it mattered not for us to trade with those of any other land; and this has made our exchange of commodities very small.

The ships of your country must therefore begin your trade at Nangasaki during the first moon of our next year, where they can procure fuel, water, coal, and other things; but as our ideas of things and what we each like are still very dissimilar, as are also our notions of the prices or worth of things, this makes it indispensable that we both first make a mutual trial and examination, and then, after five years, we can open another port for trade, which will be convenient for your ships when passing.

The points of the treaty you have now presented for our deliberation, and this now given to you, can be retained by each as evidence of our separate views.

KAYEI, *7th year, 2d moon, 17th day.* (*March* 15, 1854.)

HAYASKI.
IDO.
IZAWA.
UDONO.

Commodore Perry to the Secretary of the Navy.

[No. 40.] U. S. FLAG-SHIP SUSQUEHANNA,
Napa Keang, Great Lew-Chew, February 2, 1854.

SIR: In carrying out the order of the department, directing me to detach one of the steamers from my command and place her subject to the control of the honorable Mr. McLane, I have been put to considerable embarrassment in deciding which of them to select, having strict regard to the public convenience; and though the arrangement I have decided on deranges all my domestic plans and puts many to

great personal inconvenience and discomfort, and especially myself in my present state of health, I have, in sole regard to the exigencies of the service in which I am engaged, selected the Susquehanna, my present flag-ship, and we are now busily employed in removing the extra cabins, &c., to the Powhatan.

The department is aware that the periods of service of the crew of the Susquehanna will all have expired in June next, a large portion of their engagements having already run out—that her engines are in a crippled condition—that some of the new machinery has already arrived from the United States, and the new centre-shaft may, I presume, be shortly expected.

And I may further remark that, of the three steamers, she can be the least depended on in these boisterous seas; that she will do very well to navigate upon the coast of China during the approaching spring and summer; and, though I had hoped to have retained her with me until the termination of my negotiations with Japan, she is the one I can best spare; consequently I shall detach her upon the service required by the order of the department, a short time after arrival in Yedo bay, and send her to Macao, with instructions to Commander Buchanan to place her subject to the control of Mr. McLane, and to inform the department of his having done so; as also to consult with Mr. McLane as to the selection of the most convenient time when she can be best spared to put in the new parts of the machinery, which will be necessary to her making a safe passage to the United States.

And with reference to her going home, I again revert to the necessity of instructions from the department as to the route the steamers are to take on their return, with information also as to the places of deposite of coal, the quantities deposited, &c.

The department has already been informed of the difficulties and expense which have attended the collecting of coal in China for the use of the squadron, and of the care I have taken in husbanding such supply in order that it might be at command to meet cases of emergency, and especially for the steamers destined for Japan. At no time have we had more than fifty days of steaming for the three steamers; and having hitherto kept constantly in view the quantity on hand, I have directed the movements of the steamers with reference to its provident and economical use, and have been more particularly saving for reason of the great cost of conveying it to China.

I mention these facts that the department may be aware that I can no longer control the movements of one of the steamers, and consequently can no longer depend in keeping together a supply of fuel for the movements of the other two. The usual consumption of one of the steamers, at two-thirds steam, is from 28 to 32 tons per day.

This letter, by due course of mail, may reach Washington by the middle of May, and a reply, if by return mail, may reach Hong Kong on or before the 1st of August next, about the time I now expect to return to that place, where I may hope to find instructions in respect as well to the return of the Susquehanna as to the return of the Mississippi, and touching all matters referred to in former communications from me, and of the authority asked for by me to return home

either overland or in the Mississippi, when I shall have accomplished all that can preliminarily be accomplished respecting Japan.

I may remark that since the date of my despatch No. 39, I have induced the authorities of Lew-Chew to take rent for the house occupied by us in the town, as a hospital and for other purposes, and to transfer, for a small sum, to the Navy Department, the right of property in the coal-shed put up by them near the landing for the accommodation of the squadron.

These are unprecedented concessions, and I trust will lead to others still more important. The survey of the shores and ports of the island have been completed; two harbors, hitherto unknown to strangers, have been discovered; the interior of the island has been explored; and having received some intimation that coal is to be found about forty miles from hence, I have despatched a party to examine the locality.

I am constantly obtaining information confirmatory of the opinion that Lew-Chew, Mëyaco-Sima, and the Oho-Sima islands, are all dependencies of Japan.

The Macedonian and Vandalia, in company with the store-ships Southampton and Lexington, sailed yesterday from this port—the two latter with coals, provisions, &c. The Susquehanna, Powhatan, and Mississippi, are now receiving the cargo of coals of the Supply; and she will sail in a day or two for Shanghai, there to take another cargo of coal on board, and proceed thence to Yedo bay to rejoin the squadron there.

I am in hourly expectation of the arrival of the Saratoga from Shanghai, to proceed with me to Japan, and to be despatched from thence to the United States via San Francisco, where she will land despatches.

The Plymouth has been sent to Shanghai, to relieve the Saratoga at that place.

I shall leave a party at Lew-Chew to look after our coal depot here, and hope to sail with the three steamers in four days from hence.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,

Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,

Secretary of the Navy, Washington, D. C.

P. S.—I append papers showing the expiration of the engagements of the crews of the Susquehanna and Mississippi.

February 5.—P. S. 2d. The exploring party sent to search for coal on this island have returned, and report having discovered strong indications of a plentiful supply, but the locality requires further examination.

M. C. P.

Statement of the expiration of service of the crew of the United States steam-frigate Susquehanna.

In	December,	1852	6 men.
	March,	1853	1
	May,	"	1
	June,	"	3
	August,	"	8
	September,	"	11
	October,	"	8
	November,	"	24
	December,	"	20
	January,	1854	16
	February,	"	11
	March,	"	25
	April,	"	16
	May,	"	24
	June,	"	2
			176

The terms of the service of six marines have already expired; and of the others, some will expire in each month until December, 1854, when the whole will have expired. As this ship sailed finally from the United States on the 8th June, 1851, the remainder of the crew consists of men shipped at different ports during the cruise and transferred from other ships.

G. R. BARRY, *Purser.*

U. S. STEAM FRIGATE SUSQUEHANNA,
Pacific Ocean, January 18, 1854.

Statement of the expiration of service of the crew of the United States steam frigate Mississippi.

In	October,	1853	1 man.
	December,	"	1
	February,	1854	1
	November,	"	2
	December,	"	9
	January,	1855	10
	February	"	23
	March,	"	39
	April,	"	18
	May,	"	20
	June,	"	20
	July,	"	52
	August,	"	18
	September	"	12

In October,	1855	.....	20 men.
November,	"	.....	2
December,	"	.....	1

WM. SPEIDEN, *Purser.*

U. S. STEAM FRIGATE MISSISSIPPI,
Pacific Ocean, January, 18, 1854.

Commodore Perry to the Secretary of the Navy.

[No. 43.] U. S. FLAG-SHIP POWHATAN,
Off the town of Kana-gawa, Yedo Bay, Japan, April 1, 1854.

SIR: Referring to my despatch No. 42, sent by the Susquehanna, by way of China, and to the notes which accompanied it, duplicates of the same being herewith forwarded, I have now the honor to acquaint the department that a treaty of peace and amity between the United States and Japan was yesterday signed by me and by the four commissioners especially delegated by the Emperor, which documents will be despatched to Washington, in charge of Commander Henry A. Adams, to sail for California in the Saratoga on Tuesday, the 4th instant.

The accompanying notes, which have been continued to the present day, will furnish all necessary details; and I have only to invite the attention of the department to the difficulties I have been called upon to encounter, in contesting the numerous objections advanced by the Japanese, and more particularly with respect to the wording of the several articles of the compact; and I refer to this solely to account for the singularity of the phraseology, and the omission of some non-essential points, which are usually found in papers of the kind. This explanation would seem to be necessary for the information of the Senate, to which body the treaty will be referred.

Great and insuperable objections were interposed to the delay in making the treaty binding, until it should be ratified by the President and Senate, and the ratifications exchanged, the propriety of which they could not or would not understand, remarking that, when signed by them, it would be honorably and scrupulously observed by the Imperial government, and they could see no reason why it should not be so observed by the government and people of the United States. I endeavored in vain to make them understand the nature of our federal compact; and failing to do this, thought it the wiser policy to acquiesce in their pertinacious scruples, knowing that this course could not have the slightest weight in the practical operation of the treaty, or in making it less advantageous to the United States; and being aware, also, that all the concessions agreed to, were to come from them. They asked for nothing but the friendship and forbearance of the United States, stating repeatedly that the laws of Japan had been so long established, and were so closely connected with all the machinery of the government, that, however they and the more enlightened of the community might he disposed to encourage a more liberal intercourse with strangers, the integrity of the institutions of

the empire would be endangered by a too sudden change; and it is worthy of remark, that the latter part of the 3d article of the treaty was altered at their request—the following words, introduced by me, being changed for those immediately below them:

Words proposed by me: "And the government of the United States will pay all the expenses incurred in the rescue and support of such shipwrecked persons."

Words substituted by request of the Japanese commissioners: "And the expenses incurred in the rescue and support of Americans and Japanese, who may thus be thrown upon the shores of either nation, are not to be refunded."

I hope and trust that the trifling informalities which appear in the wording of the treaty, and which were unavoidable, may be overlooked by the powers at home, in consideration of the peculiarities and prejudices of those with whom I have had to treat, and more especially from motives of humanity, and in view of the advantages which the arrangement offers to our shipping in this part of the world, and to the whaling vessels in particular. It has been mentioned by many of the officers that more whales have been seen since we reached this vicinity than during the whole former part of the cruise.

From this date, those in pursuit of whales may have no apprehension of approaching the coast of Japan, and of the fearful consequences of shipwreck upon its hitherto inhospitable shores; and in twelve months they will have the privilege of resorting to two convenient ports for refreshment and repair, and receive kindness and such supplies as the country can furnish; and, what is more, not a single port in the empire will be shut to vessels in distress.

The note lettered AA, hereto appended, refers to some of the changes in the phraseology of the treaty, which were found necessary to satisfy the objection of the Japanese commissioners.

I have great pleasure in bearing witness to the prompt and efficient aid rendered in all these transactions by Captain Abbot, and to Commanders Kelly, Buchanan, Adams, Walker, Pope, and Lee, and to Lieutenants Commandant Boyle, Sinclair, and Glasson, and to their respective officers, as also to the officers of this ship.

The Japanese commissioners have promised to have a few tons of coal in readiness on my return from Hakodade to Simoda, in order that its quality may be tested by the steamers. They also assure me that new mines shall be opened and worked, and that a depot shall be established at Simoda.

With great respect, I am, sir, your obedient servant,

M. C. PERRY,

Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,

Secretary of the Navy.

Continuation of Notes.

April 1, 1854.—The Susquehanna sailed on the morning of the 24th for Macao, and was seen by the Vandalia to pass Simoda at 3 m.

On the same day a number of presents were sent on board for the President, for myself, and other officers of the squadron, all of which were carefully packed and marked, and put on board the store-ship "Supply" to be sent to Washington, conformably to the laws of the United States.

On the 27th, the five commissioners, with their respective retinues and followers, about seventy in number, dined on board the Powhatan by special invitation from me, on which occasion they were received with salutes and all the honors due to personages of their rank.

Conforming, on this occasion, to the Japan custom, which forbids the sitting at meals of subordinates with their superiors, a table was arranged in the cabin for the commissioners, and another on deck for their retinues, many of whom were of comparative distinction; the captains, my secretary, and Dr. Williams, Chinese interpreter, being the only persons invited by me to dine with the high functionaries. Every effort was made to entertain the entire party, and the day passed with much hilarity and good feeling.

The following day being appointed for another interview on shore to settle the final details of the treaty, the meeting took place, and after much discussion and many evasions on the part of the commissioners, an arrangement was agreed upon, and Friday, the 31st, fixed for the signing of the treaty, which was accordingly done about noon, and at the house erected especially for the conference, the commissioners giving me three copies of the treaty in the Japanese language, duly signed by the four especially delegated by the Emperor, and in return receiving from me three copies in English with my signature, translations in the Dutch and Chinese, certified by the Dutch and Chinese interpreters, Messrs. Portman and Williams, for the United States, and being also exchanged for Japan.

It will be observed that the practice usually pursued in affixing signatures to treaties was departed from on this occasion; and for reason assigned by the Japanese, that their laws forbade the subjects of the empire from putting their names to any document written in a foreign language.

As I did not consider that this omission to sign the English version of the treaty could affect, in the slightest degree, the validity of the instrument, I made no very strenuous objections to the course they proposed and seemed determined on, more especially as they gave me triplicate copies of their version with certified translations, being well satisfied that all the stipulations as agreed to by them, and in their own way, would be scrupulously carried out by their government.

Indeed, throughout the negotiations I was met at every step by objections to forms and application and use of words, which, though of little or no importance, were tenaciously insisted on by them—such, for instance, as to substitute the word "goods" for "merchandise," and numerous other trivial alterations of like import. By these

changes the phraseology of the treaty will not be found as perfect as it would otherwise have been.

And so in the concluding article I was constrained to frame the sentence in a manner to meet their watchful avoidance of agreeing to any feature in the treaty that would commit them with their government.

The great object, however, of effecting an advantageous compact with this most singular people has been fully accomplished—a compact which secures protection and kind treatment to all Americans who may, by chance or design, find themselves in any part of the empire, and which also stipulates to give shelter and supplies to vessels of the United States, and to grant privileges to American citizens never in the two preceding centuries conceded to any foreign people.

And the government of the United States may well claim the honor of being the first to open friendly and *independent* relations with a nation hitherto claiming the right of entire exclusion from all foreign intercourse, unless the immunities granted to the Dutch and Chinese at Nangasaki may be considered in such light.

It may be remarked here, that at all our interviews on shore—whatever may have been the number of officers from the ships, usually varying from twenty to fifty—refreshments prepared in the Japanese fashion were served to all, and on the day of signing the treaty greater preparations were made; and on all occasions visitors to the ship on business with me have been provided with refreshments.

Supplies of wood and water, poultry, eggs, vegetables, &c., have been furnished by the Japanese in limited quantities to the several ships of the squadron, for which they have, in accordance with my positive demand, received payment, and it is quite probable they will in a short time lose all their scruples in this way, as at Lew-Chew, where they soon learned to charge and receive good prices for all their supplies.

Respectfully submitted:

M. C. PERRY,

Commander-in-chief United States Naval Forces East India, China, and Japan Seas.

UNITED STATES FLAG-SHIP POWHATAN,

Off the town of Yoku-hama, Yedo Bay, April 3, 1854.

AA.

Notes explanatory of the several articles of the treaty with Japan.

Article 2. The ports to be fully opened for supplies to Americans any time in April, 1855, but wood and water may be obtained after the month of the ensuing May, and other supplies for vessels of war. The latter part of this article changed by request of the Japanese commissioners. In my letter to the Secretary of the Navy I have fully noticed this.

Article 4. Great difficulties were encountered in securing the immunities to Americans which this article grants. The meaning intended to be conveyed by the words "just laws" is, that Americans shall not be subject to the exclusive laws and customs of Japan, but to laws based upon justice and humanity. This understanding to continue until further negotiation upon the subject and the appointment of a consular agent.

Article 5. This article was secured after much opposition. It grants privileges which the most sanguine did not anticipate. Seven Japanese miles, or *ri*, are equal to about ten of ours. This would make a radius of ten and a periphery of sixty English miles as the boundary in which American citizens can freely move about, either on the land or water, without molestation from the Japanese, so long as they conduct themselves with propriety. The limits of Hakodadi will be established after I shall have landed and examined that locality.

Article 6. This article refers to some future arrangement having more intimate relations to a commercial treaty; but the word "merchandise" was objected to, and the word "goods" substituted.

Article 7. The same objection made to the word "merchandise," and the word "goods" again substituted; the word "temporarily" referring *impliedly* to future arrangements which the Japanese government is not now prepared for.

Article 8. This article was insisted on by the commissioners upon the ground that the Japanese government had no revenue laws regulating duties on foreign goods, and the people were unacquainted with trade.

Article 9. This is a most important article, as there can be little doubt that, on hearing of the success of this mission, the English, French, and Russians will follow our example; and it may be reasonable to suppose that each will gain some additional advantage, until a commercial treaty is accomplished. Article nine will give to Americans, without further consultation, all these advantages.

Article 10. Simoda and Hakodadi are the only ports to which ships of the United States may resort at pleasure, but if in distress they can enter with impunity any of the ports of the empire. It may be hoped that this privilege will not be abused.

Article 11. I could only induce the commissioners to agree to this article by endeavoring to convince them that it would save the Japanese government much trouble if an American agent were to reside at one or both of the ports opened by the treaty, to whom complaints might be made of any mal-practice of the United States citizens who might visit the Japanese dominions; otherwise, I told them it would be necessary to have a ship-of-war constantly on the station, as sailors and others might misbehave, and violate the stipulations of the treaty, without it being known to the American government.

Article 12, and last. In framing this article I had to manage so as to evade the positive objections of the commissioners as to the necessity of waiting for an exchange of ratifications; and to make the tenor of the language less imperative, the words "it is to be ratified" instead of those usually adopted, "it shall be ratified," were used.

I have already referred to the objections made by them to the placing of their names to the American version of the treaty. This, with regard to their understanding of its perfect validity, is of no importance, and I have only again mentioned it in further explanation to the powers at home.

M. C. PERRY.

U. S. FLAG-SHIP POWHATAN,
Off the town of Kanagawa, Yedo Bay, April 1, 1854.

YOUR HIGHNESS: In agreeing to the convention of peace and amity between the United States and Japan, signed yesterday, I deem it right and proper to remark, that in consideration of the peculiar and long established laws and customs of your government, I have departed, in a measure, from the forms usually adopted on similar occasions, by subscribing to separate papers setting forth the details of the treaty between the two powers. But this cannot make the compact the less binding.

And though the same reasons have induced me to recognise for the present certain limitations to the right of American citizens to enjoy all the cosmopolitan privileges in Japan which are freely granted to them in other countries, I have done so because I was aware that, whatever might be the disposition of the distinguished personages with whom I have had the honor to negotiate, to encourage a more enlarged view of the advantages of a peaceful international intercourse, time will be required to bring about those changes in the empire which the present advanced condition of the world unquestionably calls for.

And in this feeling I have submitted, as far as could be done consistently with the dignity of my nation, to restrictions which have been imposed by the laws of the country upon the movements of the officers and crews under my command; but it cannot be expected that such a state of things can long exist; and, with reference to the opening of other ports for the admission of American vessels, I feel assured that in a short period experience will satisfy every one that no injury will result to Japan from such arrangement, but rather that the empire will be benefited by the adoption of laws more congenial to the spirit of the times.

As to the limits within which citizens of the United States can freely move about in the vicinity of Hakodadi, these will be settled and defined on my return to Simoda from that place, and when I shall have had an opportunity to examine in person its locality.

With profound respect,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas, and Special Ambassador to Japan.

His Highness HAYASHI-DAIGAKU-NO-KAMI, *&c., &c., &c.*

Commodore Perry to the Secretary of the Navy.

[No. 44.] U. S. FLAG-SHIP POWHATAN,
Off the town of Kanagawa, Yedo Bay, Japan, April 4, 1854.

SIR: The only favor asked by the Japanese commissioners has been that I would give to three of their number each a brass howitzer and launch, equipped in the manner of those belonging to the squadron. This request was repeatedly made.

My reply was, that the boats and guns formed parts of the equipments of the ships, and could not be spared; but as the Saratoga was going home, I would venture to give them the gun belonging to her, and to recommend that the government should send out to Japan, by some convenient opportunity, two more.

I need not say how much they were gratified, nor revert to the advantages that would result to our citizens who may visit this country, from these little acts of courtesy; and I most urgently recommend that the guns, fully equipped with carriages, &c., be sent to them.

The gift will be returned a hundred-fold by exercising a favorable influence, on some future occasion, with men who seem to have the full confidence of the Imperial government.

It is highly desirable that the kind and friendly feelings which have been engendered by our recent intercourse may, in every way, be fostered.

With great respect, I have the honor to be, your obedient servant,
M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Commodore Perry to the Secretary of the Navy.

[No. 50.] U. S. STEAM FRIGATE POWHATAN,
Harbor of Hakodadi, Island of Jesso, Japan, May 30, 1854.

SIR: Since my last despatch, No. 49, dated at Kanagawa, Yedo bay, April 4, and sent with accompanying papers by the Saratoga, in charge of Commander H. A. Adams, duplicates of which are herewith forwarded, I have examined the ports of Simoda and Hakodadi, which are to be opened to the vessels of the United States, and am happy to inform the department that, with respect to geographical position, convenience of ingress and egress, and commodiousness for all the purposes required, they cannot be surpassed. This is one of the safest and most convenient harbors I have ever seen for vessels of all classes, and it is sufficiently capacious to hold half the navies of the world.

The authorities and people of the two towns and their vicinities have manifested much kindness and attention. The ships have been promptly supplied, at reasonable prices, with wood, water, and such other articles as the country could furnish. The singular abstemiousness of the Japanese from animal food, has never made it necessary

for them to rear and fatten animals for the market; and hence the scarcity of that aliment so necessary to people of the western nations.

It is quite probable, however, that they will hereafter be better prepared to meet the demands of vessels visiting the two ports. Poultry and fish, and, at the proper seasons, fruit and vegetables, may be obtained in reasonable quantities, and one or two ships could always be provided with a sufficiency for their wants.

At both places the officers, and those of the crews who have been permitted to leave the ships, go freely about in town and country, and on fishing and shooting excursions, visiting the shops, the temples, and other places of interest, without the slightest hindrance or molestation, and are everywhere treated with kindness and respect, and especially by the country people.

But one instance has occurred of annoyance to any one, and this was at Simoda; and, on its being represented to me, I demanded, and received, an apology from the prefect, who disavowed the acts of the officers who committed the offence.

According to arrangement, I am to meet one or more of the Imperial commissioners at Simoda on the 15th of next month, (June,) to settle various matters connected with a proper understanding of the treaty. After this is accomplished, I shall return to Hong Kong by the way of Oho-Sima, Lew-Chew, and the ports of Ningpo, Fuh-Chow, and Amoy, in China.

The officers of my command have constructed several valuable charts of the harbors and coasts of Japan; and our collection of specimens of natural history, and of drawings, sketches, &c., is rapidly increasing.

One of the vessels of the squadron is now engaged in making a reconnoissance of "Volcano bay," a convenient anchorage, about seventy miles from this port.

Until this time, I have not had it in my power to institute, in a thorough manner, the researches and inquiries which the department has ordered in its instructions of October 26, 1852, May 16, 1853, and June 11, 1853, with respect to the fate of our fellow countrymen, supposed either to have been lost at sea, or to be still alive and held in captivity in Formosa or the islands of Japan.

The authorities here have furnished answers to my several inquiries upon the subject, herewith enclosed, and marked BB; and I propose to send the Macedonian, accompanied by the Southampton, to Formosa, there to prosecute every possible research, and at the same time to examine the coal region of that island.

As evidence of the good understanding subsisting, as well at this place as at Kanagawa and Simoda, I may remark, that the prefect, governor, mayor, and other persons of rank, visited this ship, by invitation, last evening, and were entertained by me at a formal supper.

With great respect, sir, I have the honor to be, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. J. C. Dobbin,
Secretary of the Navy, Washington, D. C.

BB.

U. S. FLAG-SHIP POWHATAN,
Hakodadi, Japan, May 30, 1854.

SIR: The following communication from the chief officers of Hakodadi is in reply to the queries submitted to them by your order of the 27th instant.

The translation into English was made by Mr. S. W. Williams.

"From the third year of Ohoka to the third of Kagee (1847—1851) there were five foreign vessels wrecked by storms on our coast, whose crews have all been sent on to Nangasaki, there to be sent by the Dutch back to their homes. Not one now remains in Japan.

"In 1847, June, seven American sailors were drifted ashore at Yetoroop, in a boat.

"In 1847, June, thirteen American sailors, in three boats, were thrown ashore at Yerimachi, northwest of Matsmai.

"In March, 1849, three men from an American ship went ashore at Karaftou, the south end of Sagalien, and then went off.

"In May, 1850, an English ship was wrecked at Mabira, in Yesso, from which thirty-two men came; but where they came from, we know not."

Very respectfully, your obedient servant,
SILAS BENT,
Flag Lieutenant.

Commodore M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

The United States of America and the empire of Japan, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace and amity, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States has conferred full powers on his commissioner, Matthew Calbraith Perry, special ambassador of the United States to Japan; and the august sovereign of Japan has given similar full powers to his commissioners, Hayashi-Daigaku-no-kami, Ido, Prince of Tsus-Sima; Izawa, Prince of Mimasaki; and Udono, member of the Board of Revenue.

And the said commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

ARTICLE I.—There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity, between the United States of America on the one part, and between their people, respectfully, [respectively,] without exception of persons or places.

ARTICLE II.—The port of Simoda, in the principality of Idzu, and the port of Hakodadi, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American ships, where they can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year.

NOTE.—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.

ARTICLE III.—Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda or Hakodadi, and hand them over to their countrymen appointed to receive them. Whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

ARTICLE IV.—Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ARTICLE V.—Shipwrecked men, and other citizens of the United States, temporarily living at Simoda and Hakodadi, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nangasaki; but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or *ri*) from a small island in the harbor of Simoda, marked on the accompanying chart, hereto appended; and shall in like manner be free to go where they please at Hakodadi, within limits to be defined after the visit of the United States squadron to that place.

ARTICLE VI.—If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

ARTICLE VII.—It is agreed that ships of the United States resorting to the ports open to them, shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

ARTICLE VIII.—Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose, and in no other manner.

ARTICLE IX.—It is agreed, that if, at any future day, the government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof without any consultation or delay.

ARTICLE X.—Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodadi, unless in distress or forced by stress of weather.

ARTICLE XI.—There shall be appointed by the government of the United States consuls or agents to reside in Simoda at any time after the expiration of eighteen months from the date of the signing of this treaty; provided that either of the two governments deem such arrangement necessary.

ARTICLE XII.—The present convention, having been concluded and duly signed, shall be obligatory, and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective power; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the august Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the signature thereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries of the United States of America and the empire of Japan, aforesaid, have signed and sealed these presents.

Done at Kanagawa, this thirty-first day of March, in the year of our Lord Jesus Christ one thousand eight hundred and fifty-four, and of Kayei the seventh year, third month, and third day.

Sailing Directions for Napha, Island Great Lew-Chew.

This is the principal seaport of the island, and perhaps the only one possessing the privileges of a port of entry.

Its inner, or "Junk harbor," has a depth of water of from two to three fathoms, and though small, is sufficiently large to accommodate with ease the fifteen or twenty moderate-sized junks which are usually found moored in it. These are mostly Japanese, with a few Chinese and some small coasting craft, which seem to carry on a sluggish trade with the neighboring islands.

The outer harbor is protected to the eastward and southward by the main land, whilst in other directions it is surrounded by merely a chain of coral reefs, which answer as a tolerable breakwater against a swell from the northward or westward, but affords, of course, no shelter from the wind. The holding-ground is so good, however, that a well-found ship could ride out here almost any gale in safety.

The clearest approach to Napha from the westward, is by passing to the northward of the Amakarima islands and sighting Agenhu island, from whence steer a southeast course for the harbor, passing on either side of Reef islands, being careful, however, not to approach them too near on the western and southern sides, as the reefs below water in these directions are said to be more extensive than is shown by the charts.

After clearing Reef islands, bring Wood Hill to bear south-southeast, when stand down for it, until getting upon the line of bearing for *South channel*. This will carry you well clear of Blossom reef, yet

not so far off but that the White Tomb and clump of trees to the southward of Tumai Head (see view No. 3, on cha easily distinguished. An E. N. E. ¼ E. or E. N. E. c now take you in clear of all dangers, and give a good anc or near the Seven-fathom bank, about half a mile to the and westward of False Capstan Head. This channel being straight, is more desirable for a stranger entering the ha *Oar channel*, which, though wider, has the disadvantage o necessary for a vessel to alter her course some four or five p when she is in the midst of reefs which are nearly all belo face of the water.

To enter by Oar channel, bring the centre of the islan harbor (known by the deep verdure of its vegetation) to fil between the forts at the entrance of Junk harbor, (see viev chart,) and steer a S. E. ½ E. course, until Capstan Head when haul up to E. N. E., and ancho[illegible]s before directed.

The North channel is very much co[illegible]acted by a range c rocks making out from the reef on the west side, and shou der ordinary circumstances, be attempted by a stranger, a water the reefs are almost entirely covered, and it is difficult your exact position, unless familiar with the various localitie marks. To enter by this (North) channel, bring a remark in the southern range of hills in line with a small hillock eastward of False Capstan Head, (see view No. 1 on chart,) in on this range (S. by E. ½ E.,) until Tumai Head bears E. open a little to the southward, so as to give the reef to th a berth, and select your anchorage.

There is a black spar-buoy anchored on Blossom reef *ha tween its eastern and western extremities*, a red spar-buoy o of reef to the west-northwestward of Abbey Point, and a v buoy on the southeast extremity of Oar reef. Flags of cor colors are attached to all these buoys, and they afford good the South and Oar channels. There are two large stakes c to the eastward and westward of North channel, planted th natives—this being the channel mostly used by junks trad northward.

An abundance of water can always be obtained at the fo Junk river, where there is excellent landing for boats. good spring near the tombs in Tumai bluff, but unless th perfectly smooth the landing is impracticable, and under a stances it is inconvenient from the want of sufficient depth high tide.

It is directed by the commander-in-chief that the vess squadron under his command shall heave to, on approachi and make signal for a pilot, when an officer familiar with ties and landmarks will be sent off from the vessel in port t in, or point out to her commander the position of the dan avoided.

Should there, however, be no vessel in port, then boats

sent ahead, and anchored upon the extremities of the reefs between which the vessel intends to pass.

By order of Commodore M. C. PERRY:

SILAS BENT,
Lieutenant United States Navy.

MACAO, *October* 1, 1853.

NOTE.—The spar-buoys above described were securely moored at the time they were placed in their respective positions, by order of Commodore Perry, but may be displaced, or entirely removed, by the heave of the sea, or by the natives, and should, therefore, not be entirely relied upon.

S. BENT.

U. S. STEAM-FRIGATE "POWHATAN,"
Harbor of Hakodade, Island of Yesso, Japan, May 27, 1854.

Oonting, or Port Melville, Island Great Lew-Chew.

Oonting harbor is on the northwest side of Lew-Chew, and distant about thirty-five miles from Napha.

Sugar Loaf island, an excellent land-mark, lies about twelve miles to the west-northwestward of the entrance. The island is low and flat, with the exception of a sharp conical peak near its eastern extremity, which rises to a height of several hundred feet.

Passing to the northward of Sugar Loaf island, an east-southeasterly course will bring you to the mouth of the harbor, and to the northward and westward of Kooi island. It is advisable to heave to here, or anchor in twenty or twenty-five fathoms water, until boats or buoys can be placed along the edges of the reefs bordering the channel, for without some such guides it is difficult for a vessel of large draught to find her way in between the reefs, which contract, in places, to within a cable's length of each other, and are at all times covered with water.

The ranges and courses for the channel are, first: Hele rock in range with Double-topped mountain, (see view on chart,) bearing south 37 degrees east. Steer this course, keeping the range on until Chimney rock bears S. ¼ E.; then for Chimney rock until Point Conde bears S. 49 degrees east; then for Point Conde until entering the basin of Oonting, when anchor, giving your ship room to swing clear of the reef making out to the northward of Point Conde, and you will be as snug as if lying in dock, with good holding-ground, completely land-locked, and sheltered almost entirely from every wind.

Good water is to be had at the village of Oonting.

By order of Commodore M. C. PERRY:

SILAS BENT, *Lieut. U. S. Navy.*

Sailing directions and observations upon Lloyd's harbor, Bonin islands, from reports of Acting Masters Madigan and Bennett, of the United States ships Saratoga and Susquehanna.

"The entrance to the harbor of Port Lloyd, on the western side of Peel island, one of the Bonin group, is well defined, so that it can scarcely be mistaken.

"A ship bound in would do well to place a boat on the shoal that makes off south from the eastern point of Square Rock, as it is called on Beechy's harbor chart. This shoal can be easily seen from aloft, however, even when there is no swell on. It extends full two cable's length from Square Rock to the southward, and is steep. The centre of the shoal is awash with a smooth sea. The tide rises about three feet, and there is a coral rock about one cable's length north from the northern point of Southern Head on which I found *eight feet water*. But a ship entering the harbor would not be likely to approach Southern Head so near as to be upon it. The island, as well as those surrounding it, is chiefly visited by whale-ships, and its products, therefore, are such as to suit their wants.

"Potatoes, yams, and other vegetables, fruits of various kinds, together with wild hogs and goats, can be procured from the few whites and Sandwich Islanders (thirty-five in all) settled there. Wood is good and plentiful, and water can be had, though in limited quantities, and slightly tainted by the coral rocks from which it springs.

"The anchorage is fair, though open to the south and west. The reconnoissance made by order of the commander-in-chief, proved the accuracy of Captain Beechy's chart."

Mr. Bennett, acting master of the Susquehanna, says in his report: "Assuming the position of Napha, in Great Lew-Chew island, as established by Beechy, to be correct, I find by the mean of my chronometers that he has placed Ten Fathom Hole, in Port Lloyd, five miles too far to the westward, and consequently the whole group is placed that much to the westward of its true position."

By order of Commodore M. C. PERRY:

SILAS BENT, *Lieut. U. S. Navy.*

MACAO, *October* 1, 1853.

Commodore Perry to the Secretary of the Navy.

[No. 52.] U. S. STEAM-FRIGATE MISSISSIPPI,
At Sea, July 18, 1854.

SIR: My last despatches, Nos. 50 and 51, (duplicates herewith enclosed) were sent—the first by the Vandalia, to be mailed at Shanghai; the other by the Southampton, for Hong Kong, to be forwarded from that place.

Nothing of much interest occurred at Hakodadi after the departure of the Vandalia, excepting that a place of interment was secured and enclosed, within which two of that vessel's crew were buried.

The delegates despatched from Yedo to meet me at Hakodadi, ar-

rived only two days before my departure; but having obtained all that I desired, or certainly had reason to expect by my negotiations with the local authorities, and regardful of my appointment to be at Simoda by the 8th, and seeing by their instructions that they were not invested with sufficient powers, I had little to do with them.

The two steamers left Hakodadi on the 3d of June, and after a pleasant passage reached Simoda on the 7th.

Lieutenant Commanding Sinclair, who had been left with the Supply in port during my absence, immediately reported that all had gone well; that the commissioners had arrived, with two others who had been added to their number.

As I was desirous of completing my business with these distinguished functionaries, who I knew would be very slow in all their movements, I proposed an interview for the following day, which was assented to; and accordingly I landed with a suitable escort, and proceeded to the temple occupied by me during my former visit: here I found the seven commissioners in waiting; and after being introduced to the two who had recently been added to the commission, by name and title, Tsudzuki Suruga-no-kami, (Prince of Suruga,) and Takeno Utsi Seitan, (comptroller of the treasury,) I was informed that, since the signing of the treaty of Kanagawa, Simoda had been erected into an Imperial city, and that Izawa, (Prince of Mimasaki,) and Tsuruki, (Prince of Suruga,) were appointed governors, and Kurokawa Kaheioye and Isa Sintshiro lieutenant governors, thus adhering to the Japanese custom of having two of each grade.

I was also told that the jurisdiction of the city did not extend as far as the limits of seven Japanese miles, (about sixteen English,) as embraced in the treaty; that gates had been erected upon the roads leading into the country, beyond which the jurisdiction belonged to the prince of Idzu; and they proposed that I should agree to a regulation making it imperative on all Americans desirous of passing beyond those gates, first to obtain permission from the officer on duty.

This I positively refused to consent to, and I soon found that the object of the commissioners was to induce me to agree to certain regulations which should govern Americans visiting the port, and would in a measure modify and weaken the advantages which the treaty secured to them, and I determined to hold out against all propositions that might have such a tendency.

I intimated my willingness to agree to some regulations unquestionably necessary, as well to govern the authorities as the Americans; but I could not, even if so disposed, alter or modify a treaty which had passed out of my hands; and after numerous discussions, and many turnings and twistings of the commissioners, additional regulations, a copy of which is herewith enclosed and marked A, were agreed to, and duplicates in the English and Japanese languages were signed by both parties and exchanged, the originals of which will be forwarded by the first sure conveyance.

The greatest struggle had reference to the limits within which Americans should be free to go where they pleased in the vicinity of Hakodadi. At first they wished to confine the limits to one street of the town, then to the whole town, then to the projecting promontory

extending towards the sea, then to three Japanese miles, and again to three and a half.

My proposition was that we should enjoy the same limits there as at Simoda, but upon this point they were so pertinacious that I thought it advisable to compromise for five Japanese miles, (about twelve of ours.) But the extent of the limits is of little importance, as the neighboring country is mountainous and sparsely settled.

Another object of the commissioners was to enter into some arrangement respecting the currency and exchange, having more particular reference to the prices to be paid for articles furnished to Americans conformably to the treaty. Accordingly, they appointed a commission of nine to discuss the matter, and, on the part of the squadron, I delegated Pursers Speiden and Eldredge, respectively of the Mississippi and Powhatan. The result of the discussion upon the subject will be found in papers enclosed and lettered B and C.

In addition to the additional regulations already referred to as having been arranged between the commissioners and myself, a few port regulations were agreed upon, and, at my suggestion, a harbor-master and three pilots were appointed. I presented to the harbor-master, on the part of the United States, a spy-glass, always to be kept at the lookout station, and to pass to his successor, and to each of the pilots a comfortable overcoat was given.

See accompanying papers, letters D and E.

The commissioners were not prepared to establish any permanent regulations respecting Hakodadi, as all of them were utterly ignorant of the town and its neighborhood; but this, if found necessary, can be done at some future time, when, like Simoda, it shall be made an imperial city, and consequently pass from the jurisdiction of the Prince of Matsmai.

Having completed my business with the commissioners, and entertaining these high personages and retinues a second time on board ship, I took a kind and friendly leave of them, and sailed with the Mississippi, Powhatan, and Southampton, leaving the Macedonian and Supply to proceed, under instructions, to Formosa.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India and China Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

A.

Additional regulations, agreed to between Commodore Matthew C. Perry, special envoy to Japan from the United States of America, and Hayashi Daigaku-no-kami; Ido, Prince of Psus-sima; Izawa, Prince of Mimasaki; Tsudzuki, Prince of Suruga; Udono, member of the board of revenue; Take-no-uchi Sheitaro, and Matsusaki Michitaro, commissioners of the Emperor of Japan, on behalf of their respective governments.

ARTICLE I.—The imperial governors of Simoda will place watch stations wherever they deem best, to designate the limits of their jurisdiction; but Americans are at liberty to go through them, unrestricted, within the limits of seven Japanese ri, or miles; and those who are found transgressing Japanese laws may be apprehended by the police and taken on board their ships.

ARTICLE II.—Three landing-places shall be constructed for the boats of merchant ships and whale-ships resorting to this port; one at Simoda, one at Kakizaki, and the third at the brook lying south-east of Centre Island. The citizens of the United States will, of course, treat the Japanese officers with proper respect.

ARTICLE III.—Americans, when on shore, are not allowed access to military establishments or private houses without leave; but they can enter shops and visit temples as they please.

ARTICLE IV.—Two temples, the Rioshen at Simoda, and the Yokushen at Kakizaki, are assigned as resting-places for persons in their walks, until public houses and inns are erected for their convenience.

ARTICLE V.—Near the Temple Yokushen, at Kakizaki, a burial-ground has been set apart for Americans, where their graves and tombs shall not be molested.

ARTICLE VI.—It is stipulated in the treaty of Kanagawa, that coal will be furnished at Hakodadi; but as it is very difficult for the Japanese to supply it at that port, Commodore Perry promises to mention this to his government, in order that the Japanese government may be relieved from the obligation of making that port a coal depot.

ARTICLE VII.—It is agreed that henceforth the Chinese language shall not be employed in official communications between the two governments, except when there is no Dutch interpreter.

ARTICLE VIII.—A harbor-master and three skilful pilots have been appointed for the port of Simoda.

ARTICLE IX.—Whenever goods are selected in the shops, they shall be marked with the name of the purchaser and the price agreed upon, and then be sent to the Goyoshi, or government office, where the money is to be paid to Japanese officers, and the articles delivered by them.

ARTICLE X.—The shooting of birds and animals is generally forbidden in Japan, and this law is therefore to be observed by all Americans.

ARTICLE XI.—It is hereby agreed that five Japanese ri, or miles, be the limit allowed to Americans at Hakodade, and the requirements

contained in Article I, of these Regulations, are hereby applicable to that port within that distance.

ARTICLE XII.—His Majesty the Emperor of Japan is at appoint whoever he pleases to receive the ratification of th Kanagawa, and give an acknowledgment on his part.

It is agreed that nothing herein contained shall in any or modify the stipulations of the treaty of Kanagawa, shou found to be contrary to these regulations.

In witness whereof, copies of these additional regulations signed and sealed in the English and Japanese languag respective parties, and a certified translation in the Dutch and exchanged by the commissioners of the United States a

SIMODA, JAPAN, *June* 17, 1854.

M. C. PERRY,
Commander-in-chief of the U. S. Naval Forces East Ind China, and Japan Seas, and Special Envoy t

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B.

U. S. FLAG-SHIP POWHAT
Simoda, June 1

GENTLEMEN: You are hereby appointed to the duty of ho munication with certain Japanese officials delegated by th government, in conformity with the treaty of Kanagawa, with officers alike delegated by me the rate of currency and which shall for the present govern the payments to be ma several ships of the squadron for articles that *have* been an obtained; also to establish, as far as can be, the price at w per pecul or ton, can be delivered on board at this port of

It is not to be understood that the rate of currency o which may be agreed upon at this time is to be permane contrary, it is intended only to answer immediate purposes you nor myself are sufficiently acquainted with the purity ar the Japanese coins to establish a fixed rate of exchange, ev the power to recognise such arrangement.

It will, however, be very desirable for you to make you quainted with all the peculiarities of the Japanese currency if practicable, with the laws appertaining thereto, as the i will be valuable in facilitating all future negotiations upo ject.

You will, of course, before entering into any agreement be considered binding, refer to me.

Very respectfully, your obedient servant,
M. C. PERRY,
Commander-in-chief U. S. Naval Fo East India and Chi

Purser WM. SPEIDEN, *U. S. Navy.*
Purser J. C. ELDREDGE, *U. S. Navy.*

C.

UNITED STATES STEAM-FRIGATE POWHATAN,
Simoda, June 15, 1854.

SIR: The committee appointed by you, in your letter of the 12th instant, to confer with a committee from the Japanese commissioners in reference to the rate of exchange and currency between the two nations in the trade at the ports opened, and to settle the price of coal to be delivered at this port, beg leave to report:

The Japanese committee, it was soon seen, came to the conference with their minds made up to adhere to the valuation they had already set upon our coins, even if the alternative was the immediate cessation of trade. The basis upon which they made their calculation was the nominal rate at which the government sells bullion when it is purchased from the mint, and which seems also to be that by which the metal is received from the mines. The Japanese have a decimal system of weight, like the Chinese, of catty, tael, mace, candareen, and cash, by which articles in general are weighed; but gold and silver are not reckoned above taels. In China a tael of silver in weight and one in currency are the same, for the Chinese have no silver coin; but in Japan, as in European countries, the standard of value weight and that of currency weight differ. We were told that a tael weight of silver has now come to be reckoned, when it is bullion, as equal to 225 candareens, or 2 taels 2 mace 5 candareens; but when coined, the same amount in weight is held to be worth 6 taels 4 mace. It is at the bullion value that the government has decided to receive our dollar, the same at which they take the silver from the mines; asserting that, as its present die and assay give it no additional value, it is worth no more to them. In proportion to a tael, a dollar weighs 7 mace 1¼ candareen, which, at the rates of bullion value, makes it worth 1 tael 6 mace, or 1,600 cash. Thus the Japanese government will make a profit of 66⅔ per cent. on every dollar paid them of full weight, with the trifling deduction of the expense of re-coining it. The injustice of this arrangement was shown, and the propriety of paying to the seller himself the coin we gave at this depreciated rate urged, but in vain.

For gold the rate is more, as the disparity between the value of bullion and that of coin, among the Japanese, is not so great. A tael weight of gold is valued at 19 taels in currency, and a mace at 1 tael 9 mace. The gold dollar weighs almost 5 candareens, but the Japanese have reckoned it as the twentieth part of a $20 piece, which they give as 8 mace 8 candareens; and, consequently, the dollar is only 4 candareens 4 cash. This weight brings the gold dollar, when compared with the tael of bullion gold worth 19 taels, to be worth 836 cash, and the $20 piece to be worth 16,720 cash, or 16 taels 7 mace 2 candareens. This, when converted into a silver value, makes a gold dollar worth 52¼ cents, and a $20 piece worth $10 45, at which the Japanese propose to take them. But this valuation of the gold dollar at 52¼ cents, when reckoned at 836 cash, its assessed value by the Japanese government, suffers the same depreciation as our silver; and its real value, when compared with the inflated currency in use among the people, is only about 17¼ cents. Consequently, by this estimate,

gold becomes 50 per cent. worse for us to pay in than silver. The currency value of a gold dollar, taking the *ichibu* as of equal purity, and comparing them weight for weight, is only 1,045 cash, or nearly 22 cents in silver; so that the actual depreciation on the part of the Japanese is not so great as silver—being for the two metals, when weighed with each other, for silver as 100 to 33⅓, and for gold as 22 to 17. The elements of this comparison are not quite certain, and therefore its results are somewhat doubtful; but the extraordinary discrepancy of both metals, compared with our coins and with their own copper coins, shows how the government has inflated the whole monetary system in order to benefit itself.

The parties could come to no agreement, as we declined to consent to the proposals of the Japanese, who were decided to adhere to their valuation of a silver dollar at 1 tael 6 mace, or 1,600 cash; neither would they consent to do justly by us in relation to the moneys paid them at this place before our departure for Hakodade, at the rate of only 1 tael 2 mace, or 1,200 cash, to the dollar, by which they had made a profit of 75 per cent. on each dollar, stating that the money paid them at this rate had passed out of their hands; and, moreover, that the prices placed upon the articles furnished had been charged at reduced prices with reference to the low value placed upon the dollar.

For the amount due and unsettled, for supplies received at Yokuhama, and on account of which Purser Eldredge paid Moryama Yenoske, Imperial interpreter, $350 in gold and silver, that they might be assayed and tested at Yedo, they consent to receive the dollar at the valuation now placed on them—that is, at the rate of 1,600 cash for the silver dollar.

We carefully investigated the price of the coal to be delivered to vessels in this port. We learn that 10,000 catties or 100 piculs have arrived; and this, at the rate of 1,680 catties to a ton of 2,240 pounds, or 16⅔ piculs, costs 262 taels 6 mace 5 candareens 3 cash, or $164 16; making the rate to be $27 91 per ton. The Japanese state that the price of coal would be considerably reduced as the demand for it increased, and their facilities for mining became more perfect.

In conclusion, we take pleasure in expressing our thanks to Messrs. Williams and Portman, whose services as interpreters were indispensable, and from whom we received important aid in our investigations.

We have the honor to be, respectfully, your obedient servants,

WILLIAM SPEIDEN,
Purser U. S. Navy.

J. C. ELDREDGE,
Purser U. S. Navy.

Commodore M. C. PERRY,
Commander-in-chief U. S. Naval Forces in the East India and China Seas.

D.

Regulations respecting pilots, and the supplying of American vessels entering the port of Simoda.

A lookout place shall be established at some convenient point, from which vessels appearing in the offing can be seen and reported, and when one is discovered making apparently for the harbor, a boat shall be sent to her with a pilot.

And in order to carry this regulation into full effect, boats of suitable size and quality shall always be kept in readiness by the harbor-master, which, if necessary, shall proceed beyond Rock island, to ascertain whether the vessel in sight intends entering the harbor or not. If it may be the desire of the master of said vessel to enter port, the pilot shall conduct her to safe anchorage, and during her stay shall render every assistance in his power in facilitating the procurement of all the supplies she may require.

The rates of pilotage shall be: for vessels drawing over 18 American feet, fifteen dollars; for all vessels drawing over 13 and less than 18 feet, ten dollars; and for all vessels under 13 feet, five dollars.

These rates shall be paid in gold or silver coin, or its equivalent in goods, and the same shall be paid for piloting a vessel out as well as into port.

When vessels anchor in the outer harbor, and do not enter the inner port, only half the above rates of compensation shall be paid to the pilot.

The prices for supplying water to American vessels at Simoda shall be fourteen hundred cash per boat-load, (the casks being furnished by the vessel.) And for wood delivered on board, about seven thousand two hundred cash per cube of five American feet.

SILAS BENT,
Flag Lieutenant.

[Chinese characters.]
KURA-KAWA-KAHEI,
Lieutenant Governor.

U. S. STEAM-FRIGATE MISSISSIPPI,
At Sea, June 28, 1854.

Approved: M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

U. S. STEAM-FRIGATE MISSISSIPPI,
Simoda, Japan, June 23, 1854.

Bepalingen met betrekking tôt loodsen, en het leveren van benodigdheden aan Amerikaansche schepen in den haven van Simoda.

Op eene daartoe geschikte plaats zal een uitkyk worden opgerigt van waar schepen in de nabyheid komende kunnen worden gezien, alsdan zal de overheid daarvan verwittigd, en een boot met een loods

aan boord naar het schip afgezonden worden als hetzelve naar deze haven schynt te komen.

Ten einde deze bepaling ten volle uit te voeren zullen booten van genoegzame grootte altyd door den havenmeester in gereedheid worden gehouden, welke booten als zulks nodig mogt zyn zoover als Rots eiland (Mikomoto Sima) zullen gaan om te onderzoeken of het schip in gezigt al of niet in den haven zal komen. Als nu de schipper van zulk een schip den haven wil binnen loopen, zal de loods hetzelve naar eene veilige ankerplaats brengen, en gedurende deszelfs verblyf aldaar al het mogelyke aanwenden, om het verkrygen van wat hetzelve nodig mogt hebben, gemakkelyk te maken.

Het loon van den loods zal zyn voor schepen meer den achttien Amerikaansche voeten diep in het water, vyftien dollars; voor schepen meer dan dertien en minder dan achttien voeten diep in het water, tien dollars; en vyf dollars voor schepen minder dan dertien Amerikaansche voeten diep in het water.

Dit loon zal betaald worden in gouden of zilveren munt, of met eene gelyke waarde in goederen en evenveel zal betaald worden voor het uitloodsen, als voor het naar binnen loodsen.

Als schepen niet in den binnen haven komen, doch in den buiten haven ten anker gaan, zal alleen de helft van de hierboven vastgestelde loonen worden betaald.

Amerikaansche schepen in den haven van Simoda, zullen kunnen verkrygen water aan boord tegen veertien honderd pitjes (cash) voor een volgeladen boot, (de watervaten door het schip geleend wordende) en brandhout aan boord geleverd voor ongeveer zeven duizend twee honderd pitjes per kubiek iki, of kubiek van vyf Amerikaansche voeten.

SILAS BENT,
Luitenant Adjudant.
KURAKAWA KAHEI,
Luitenant Gouverneur.

Goedgekeurd:

M. C. PERRY,
Opperbevelhebber van de Oorlogsmagt van de Vereenig de Staten in de zeeen van Oost Indie, China, en Japan.

Eene ware vertaling,

A. L. C. PORTMAN.

V. S. Stoom Fregat Mississippi,
Simoda, Japan, den 23sten Juny, 1854.

E.

U. S. Steam-Frigate Mississippi,
At Sea, June 27, 1854.

This is to certify that Yohatsi, Hikoyemon, and Dshirobe have been appointed pilots for American vessels entering or departing from the port of Simoda, and that the following rates for pilotage have been established by the proper authorities, viz:

For vessels drawing over eighteen American feet..... $15 00
For vessels drawing over thirteen and less than eighteen feet 10 00
For vessels drawing under thirteen feet..... 5 00

These rates shall be paid in gold or silver coin, or its equivalent in goods; and the same shall be paid for piloting vessels out as well as into port.

When vessels anchor in the outer roads, and do not enter the inner harbor, only half the above rates of compensation shall be paid to the pilots.

By order of the Commander-in-chief:

SILAS BENT,
Flag Lieutenant.

Approved:

M. C. PERRY,
Commander-in-chief of the U. S. Naval Forces in the East India, China, and Japan Seas.

U. S. STEAM-FRIGATE MISSISSIPPI,
Simoda, Island of Niphon, Japan, June 22, 1854.

Dit dient om te verklaren, dat Yohatsi, Hikoyemon, en Dshirobe benoemd zyn als loodsen voor schepenvan de Vereenigde Staten de haven van Simoda binnenkomende, of uitgaande; en dat het loon voor de loodsen door de bevoegde overheid is vasgesteld geworden als volgt:

Voor schepen over 18 Amerikaansche voeten diep in het water..... $15 00
Voor schepen over 13 en minder dan 18 voeten diep..... 10 00
Voor schepen onder 13 Am: voeten deip..... 5 00

Dit loon zal betaald worden in gouden of zilveren munt of met eene gelyke waarde in goederen; en hetzelfde zal betaald worden voor het binnen komen als wel als voor het uitgaan.

Als schepen in den buitenhaven ankeren er niet naar binnen gaan, zal alleen de helft van de hierboven vastgestelde loonen worden betaald.

Op last van den Opperbevelhebber:

SILAS BENT,
Luitenant Adjudant.

Goedgekeurd:

M. C. PERRY,
Opperbevelhebber van de Oorlogsmagt van de Vereenig de Staten in de zeeen van Oost Indie, China, en Japan.

Eene ware vertaling,

A. L. C. PORTMAN.

V. S. STOOM-FREGAT MISSISSIPPI,
Simoda, Japan den 22sten Juny, 1854.

Commodore Perry to the Secretary of the Navy.

[No. 53.] U. S. STEAM-FRIGATE MISSISSIPPI,
At Sea, July 18, 1854.

SIR: It will be recollected that the department ordered me to investigate and report upon a communication of Commander James Glynn, addressed to Commodore A. C. Jones, in which he claimed to have discovered land until then unknown to modern navigators; that my despatch No. 41, bearing date the 9th of February, 1854, conveyed all the information I had, up to that time, been able to obtain.

On our way to Japan in February last the squadron passed to the westward of the island Oho-Sima. In returning I was desirous of examining its eastern shores.

This we have done, and made such reconnoissance of the outline of the coast as time and circumstances would permit. I had intended to have anchored the ships and communicated freely with the people, but I could discover no convenient anchoring places, and was therefore content to send a couple of boats from the Mississippi, in charge of Lieutenants Maury and Webb, if for nothing more than to say that the Americans had had communication with a land never before visited by a Christian person.

The reports of these officers represent the people as very similiar to those of Lew-Chew, but of less thrifty appearance.

The opinions expressed in my despatch No. 41 have been confirmed by subsequent observations, and Lew-Chew, it appears, is in a measure an independent sovereignty, holding only slight allegiance either to Japan or China, but preferring rather its relationship to the latter empire; that the islands stretching from Formosa to Kiusiu are all under its sovereignty, and are in such intercourse with the parent island, Great Lew-Chew, as the imperfect character of their means of navigation will allow.

The chart forwarded with despatch No. 41 will be revised, as we have since discovered some new dangers, and will be transmitted to the department in due time.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

NOTE.—The chart above referred to was compiled in haste to send home by Commander Adams as an illustration of my letter, and was not considered particularly accurate, and it is doubtful whether the length of degrees of latitude were correctly computed.

Commodore Perry to the Secretary of the Navy.

[No. 54.] U. S. STEAM-FRIGATE MISSISSIPPI,
At Sea, July 19, 1854.

SIR: Having in despatches Nos. 52 and 53 communicated to the department details of the events which transpired in the squadron after the sailing of the Vandalia from Hakodadi, and up to the time of our arrival at Lew-Chew, it only remains for me to furnish an account of our transactions at that island.

On my arrival there I was informed, by Lieutenant Commandant Glasson, that William (George) Board, belonging to the Lexington, under his command, had been found in Junk harbor, dead, and it was supposed that he had come to his death by violence; that he had caused a jury of officers to hold an inquest upon the body, and had demanded an investigation by the local authorities, but had received no satisfactory reply to his communication.

Although, upon due inquiry, I was well satisfied that the murder grew out of outrages committed by one or more sailors of the squadron, I deemed it highly important, with reference to the safety of others who might visit the island, that the matter should be fully investigated, and consequently made a peremptory demand upon the regent, or superintendent of affairs, to cause a judicial trial to be instituted conformably to the laws of Lew-Chew.

The demand was complied with; the court being composed of *six* superior judges, the regent and first treasurer giving their constant personal attendance pending the entire proceedings.

The result of the trial will be shown by reference to accompanying papers lettered A, B, C, from which will appear that six natives were convicted of being engaged in the attack on the murdered man, and that the mayor and constables of Napa were punished for neglect of duty.

The ringleader was brought by the regent and first treasurer, bound, on board the Mississippi, and delivered over to my custody, to be dealt with according to the laws of the United States, and was remanded by me back to the authorities of the regent, for which he expressed many thanks.

This was an unfortunate affair, and the only instance of any seriously unpleasant occurrence during our long intercourse with these people. Two of the Americans who first commenced the disturbance have been tried by court-martial.

During the progress of these trials, native lighters were employed in taking to the steamers all the coal remaining in the coal-shed, which, as belonging to the United States, I caused to be put in order and left in charge of the local authorities, being well assured that it will be carefully looked after, and kept in readiness for the reception of coal, should it be determined to make any further deposite at this place.

I also entered into a compact with the royal authorities, which binds the government and people of Lew-Chew to treat with kindness and friendship all Americans visiting the ports of the island, to supply them with whatever they may need, and to succor and protect all

shipwrecked persons who may be thrown ashore upon any
kingdom; to establish pilots, &c. (See accompanying pa
The original of this compact will be forwarded to the d
with other similar papers, when a safe private conveyance
Having completed all my business at this place, and e
for the last time the high authorities of Lew-Chew on boa
sissippi, I left Napa on the morning of the 17th instan
pany with the Powhatan, the Lexington having sailed two
for Hong-Kong.

The Powhatan was on the same day despatched for Ni
Fuh-chow-Fuh, and Amoy, on the coast of China, to inqui
interests of Americans resident at those places, and fro
proceed to Hong-Kong.

I had intended to have accompanied her with the Missi
in consideration of the long interval of time since we ha
communications from Washington, and being aware of th
of war in Europe, on further reflection I thought it mor
to proceed at once to Hong-Kong, where I hope to arriv
three days.

Thus, sir, I have finished the work assigned to me with
Japan; and I trust that, on my arrival in China, I may
from the department authorizing my return to the United
relief made the more necessary to me for reason of continued
and consequent debility.

With great respect, I am, sir, your most obedient serva

M. C. PERRY,
Commander-in-chief U. S. Naval Fo
East India, China, and Jap

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

[No 54 A.] U. S. STEAM-FRIGATE MISSISSI
At Sea, July 9

SIR: Owing to want of time the Japanese authorities ha
menced the establishment of a coal depot at Simoda, conf
the treaty; nor is it desirable that they should until they h
from the United States government that certain quantities
quired.

I have procured, to be sent to Washington for analysis an
trial, nearly ten tons of coal Doubtless there is abunda
valuable fuel in the empire; but, owing to the small use ma
the country, it has not been mined to any extent, and that
have is evidently what is called surface-coal.

It will be recollected that the chief interpreter, Moryam
the same who had the confidence of the commissioners in al
tiations, declared most positively to Commander Glynn tha
nothing of the kind in Japan, and pretended much curious
examining some that the armorer was using at the time on
Preble.

A good many presents have been delivered to my charge for the President, including some small articles of furniture as decorations for one of the rooms of the President's house; these will be forwarded by one of the returning vessels of the squadron, as also those presented to myself and officers from the Imperial government; they are of no great value, but will serve as specimens of the Japanese fabrics, laquered ware, &c. A list will be forwarded in due time.

I have procured at Yesso and Nippon, and at Lew-Chew, blocks of the best material of stone to be had, which I propose to send to the Washington Monument Association, and hope to obtain additional specimens in China and other ports of the East, for the same object.

I have found the printing-press, sent out by the State Department, particularly useful.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,

Commander-in-chief U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,

Secretary of the Navy, Washington, D. C.

A.

A prepared statement.—Shang-Hiun-hiung, superintendent of affairs at Shui, in the kingdom of Lew-Chew, makes this petition to explain matters: On the 1st instant I received your excellency's orders, in which it is said "that Captain Glasson had reported to you that one of his seamen named Board had been wounded by the Lew-Chewans, and had fallen into the water and drowned, and that it was necessary to arrest the murderer and examine him."

I immediately required the mayor to examine the affair, who, in course, ascertained of the constables, from their investigation, that the man Board got very drunk, and falling into the water, was drowned, none of the common people having wounded or beat him; and these points he returned as his report, which I also gave as the result of the inquiries made in the statement formerly presented.

On the 3d I again received your excellency's command, "that it was imperative that the murderer be given up, and full atonement made." I thereupon came myself to the town hall of Napa, where, with the treasurer and criminal judge, careful personal scrutiny was made into the affair, under the cognizance of the lower magistrates of Napa; calling before us the people of the streets and markets, and closely questioning them.

It appears that on the 12th of June three American sailors, passing through the streets of Napa, forcibly entered a man's house, and took therefrom some liquor, which they drank till they became drunk; two of them to such a degree that they laid down in the streets. The other got over a wall into a private house, and forced a woman, who having no strength to resist him, cried out with loud cries. One of her relatives

named I-kien, hastily running in on hearing her, saw the man in the act, and threw him down on the ground. Alarmed and repulsed, the sailor fled out to escape.

Many persons had by this time assembled and pursued after him with stones, throwing them at him, and he fled to the sea-side, and, falling into the water, was drowned.

I reflected that this rape not only was a great shame to the woman, but was also a mortifying disgrace to the country, and therefore the local officers of Napa did not dare to make it known in all its particulars; but simply made a statement that a drunken sailor, in his incoherent stumbling and reeling, had fallen into the water and was drowned. They were greatly alarmed and grieved at what had occurred.

On learning these particulars, the judge immediately called the woman, who had received this outrage, to be carefully questioned; but she could not detail how she had so suddenly met this violence; that it was plain to him that such was really the truth.

I then directed that all persons who were suspected of having thrown stones, or pursued after him in the mob, be called up, that they might be carefully examined, and they generally said, "to force a woman is what all men detest and are angry at, and would, without thinking, strike and wound the one guilty of it." There is some reason in this, too; but still, those who acted thus should be apprehended and delivered over to the American officers for trial, since it is altogether illegal to throw stones and wound persons, causing them thereby to fall into the water and be drowned. I have therefore handed in the names of the guilty persons found out, and their punishments, for your inspection.

The mayor, by taking the nonsensical and erroneous reports of the police constables, and handing the same in as a true statement, caused me to err very seriously, and offend your excellency; and he and they have alike been properly punished as they deserve. I humbly beg your excellency to bestow your lightning glance on this statement.

JUNE 7, 1854.

B.

The result of the judicial investigation of Mitu, of Higashi-mura, a female aged fifty.

On the 12th of June she heard that some Americans, drunk with excess of liquor, were rambling about everywhere; she and her niece were alone and shut the doors of the house, when about 4 o'clock one of them came scrambling over the walls of the house and forced himself into the house. She was exceedingly alarmed, and in her fright ran out doors to get away, when the man seized her and drew a knife, threatening her. as he brandished it, into compliance with his desires. She cried out with a loud voice, but he held on to her; she was too weak to resist, and suffered his ravishment, losing all consciousness of

herself. By this time, people hearing of it ran together, and giving her some stimulus, she anon came to herself.

The testimony of Jima, given on the trial.—"On the 12th of June, about 4 p. m., hearing a woman in the next house crying out, many persons came together, I also going to see what was the cause, and found that an American had violated a female of Kugusku, named Mitu, who was in truth a relative of mine. Unable to bear it patiently, I threw the man to the ground; but as she had fainted away entirely, I remained with her in the house to give her some remedies, and am therefore quite ignorant of what happened to this American afterwards."

The evidence of Tokisi.—"On the 12th of June, about four p. m., I heard that a woman of Kugusku, named Mitu, had been forced by an American, and as I ran quickly into the house I saw the man hastening out and running off. Irritated and greatly enraged, I threw a stone and hit him on the head and wounded him. Just then Konishi was at Tembe-chu (the temple of the Queen of Heaven) loitering about, and a great crowd came up from the Tenshikwan pursuing an American, which, when he had heard the circumstances, he joined in and threw two stones after him, which, however, did not hit to wound him. The American, ashamed to see people after such a deed, turned from the main road before him and passed aside towards the beach westward, directly towards San Chung Ching, where he fell into the water and was drowned. Konishi himself then went by a cross path to Hwashito, where he saw him drowned.

"Yara also was passing through the market at the time, and hearing the crowd speaking of the violence done to Mitu, and being near the Tenshikwan when the crowd was pursuing the man, threw stones at him twice, but not to wound him. When he passed the west beach and turned towards the San Chung Ching, there were many persons, unknown to the said Yara, who were likewise chasing the man, and saw him, some thirty or forty steps further on, fall in and drown. Chining, Arakaki, and Karagusku, hearing of the cause of the mob, joined it and cast stones at the man; yet not so as to wound him."

These having all been again and again examined, and their evidence tallying, have been thus condemned:

Tokisi, æt. 29, of Higahsi-mura, (or East village,) to be banished to Pachung San for life.

Konishi, æt. 16, of Korni-mura; Yara, æt. 18, of Watangi-mura; Arakaki, æt. 19, of Higashi-mura; Chiming, æt. 18, of Nishi-mura, (West village,) and Karagusku, æt. 32, of Nishi-mura, to be banished to Taiping San for eight years.

The mayor of Napa, Mo Zhinkuring, has been deprived of his rank and pay, but continued in office.

The deputy magistrates, Ri Yung-sho, Zhin Zaidin, Zhia Bunmo, and Gu Fitsnching, have all been deprived of office.

C.

U. S. STEAM-FRIGATE MISSISSI
Napa, Lew-Chew, July 1

YOUR HIGHNESS: I have received the communication of
ness, giving an account of the second judicial examination
of the murder of William Board, a person belonging to th
under my command, and am glad to observe that justice
been administered by the authorities of Lew-Chew.

By a careful examination of the case, it appears that
guilty of a most heinous crime; but, instead of being ar
brought to trial, according to law, he was stoned to death b
and lawless mob.

Your highness, upon my demand for further investigation,
the offenders to justice, and placed at my disposal, to be
according to the laws of the United States, the ringleader, T
considering the representations of your highness, and regar
comity which should subsist between two friendly natio
returned the criminal to your custody, in the full convicti
will, in accordance with the sentence pronounced by the Le
authorities, be held in durance during life, as an example
doers.

With profound respect,

M. C. PERRY,
Commander-in-chief U. S. Naval Fo
East India, China, and Jap

His Highness SHO FU FING,
Regent of Lew-Chew.

Compact between the United States and the kingdom of Lew-C
at Napa, Great Lew-Chew, the 11th day of July, 185

Hereafter, whenever citizens of the United States come to I
they shall be treated with great courtesy and friendship.
articles these persons ask for, whether from the officers
which the country can furnish, shall be sold to them; no
authorities interpose any prohibitory regulations to the peo
and whatever either party may wish to buy, shall be exchan
sonable prices.

Whenever ships of the United States shall come into any
Lew-Chew, they shall be supplied with wood and water at
prices; but if they wish to get other articles, they shall be pu
only at Napa.

If ships of the United States are wrecked on Great Lew
on islands under the jurisdiction of the royal government of L
the local authorities shall despatch persons to assist in savi
property, and preserve what can be brought ashore till the s
nation shall come to take away all that may have been save
expenses incurred in rescuing these unfortunate persons s
unded by the nation they belong to.

Whenever persons from ships of the United States come ashore in Lew-Chew, they shall be at liberty to ramble where they please, without hindrance, or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the captain of the ship to which they belong, for punishment by him.

At Tumai is a burial-ground for the citizens of the United States, where their graves and tombs shall not be molested.

The government of Lew-Chew shall appoint skilful pilots, who shall be on the lookout for ships appearing off the island; and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage; for which service the captain shall pay the pilot five dollars, and the same for going out of the harbor beyond the reefs.

Whenever ships anchor at Napa, the local authorities shall furnish them with wood at the rate of three thousand six hundred copper cash per thousand catties; and with water at the rate of six hundred copper cash, (43 cents,) for one thousand catties, or six barrels full, each containing 30 American gallons.

Signed in the English and Chinese languages, by Commodore MATTHEW C. PERRY, commander-in chief of the United States naval forces in the East India, China, and Japan seas, and special envoy to Japan, for the United States; and by SHO FU FING, Superintendent of Affairs (Tsu-li-kwan) in Lew-Chew, and BA RIO-SI, Treasurer of Lew-Chew, at Shui, for the government of Lew-Chew; and copies exchanged this 11th day of July, 1854, or the reign HIEN FUNG, 4th year, 6th moon, 17th day, at the town hall of Napa.

U. S. STEAM-FRIGATE MISSISSIPPI,
At Sea, July 17, 1854.

Commodore Perry to the Secretary of the Navy.

U. S. FRIGATE MISSISSIPPI,
Hong Kong, July 29, 1854.

SIR: In forwarding the accompanying documents, I take pleasure in commending to the favorable notice of the department the energetic and gallant conduct of Commander Kelly and his officers during their recent service at Shanghai.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY,
Commander-in-chief of U. S. Naval Forces East India, China, and Japan Seas.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

U. S. SLOOP PLYMOUTH,
Hong Kong, July 2

SIR: Since my last report by Lieut. Commanding Sinc
store-ship Supply, on the 28th of February last, I have to
during that month the imperial troops encamped round the
of Shanghai, and the imperial fleet anchored off that place c
a series of aggressive acts towards the foreigners—the first
down buildings that were being put up, and stealing the
while the latter, without giving any previous notice to foreig
menced firing upon and searching all boats passing up or
river. These acts were performed in the most brutal an
manner.

Many complaints were made to the general commanding
and to the Taoutae, commander-in-chief of the fleet. These
tionaries at length acknowledged their inability to protect t
ers, and remarked that they (the foreigners) would have
themselves.

On the 6th of March last a pilot-boat, owned by an Americ
and having the American ensign flying, was fired upon by
Compton, one of the imperial fleet, and ordered alongside,
complied with. On her reaching the Compton she was boa
armed body of men, who immediately hauled down the Am
dragged the crew of the boat up the side of the ship, and
up to the mainmast by their queues.

This was reported to me by the consul about 7 o'clock on
ing of the 6th of March last I immediately directed Lieu
proceed with an armed boat to the Sir H. Compton, and
boat and crew, and to inquire of the captain by what autho
dared to insult the American flag.

I refer you to Lieut. Guest's report, which I enclose, (m
for the manner in which that duty was performed; and in wh
concur.

On the 7th I requested Mr. Murphy, our consul, to state
outae, that as the officers and crew of the imperial ship-of-w
H. Compton, had insulted the United States flag, I should
him that the American flag should be hoisted, in open day, a
royalmast-head of the Sir H. Compton, and saluted with t
guns.

On the 19th of March I received the enclosed communic
Mr. Murphy, marked B.

On the morning of the 20th I got under way and pro
where the imperial fleet were anchored, for the purpose of
my demand. I had scarcely anchored before the captain of
Compton came on board and stated that he was ordered by
tae to make any concession I might demand, and that on the
day he would hoist the American flag at the fore, and at n
it with twenty-one guns; which was accordingly done on t
the 21st, when I returned to my anchorage off the American

The aggressions of the imperial troops still continued in th
of the settlement; and, although frequently warned by the diff

suls of the consequences that might take place if they were not suppressed, the old reply was given, that the foreigners would be obliged to protect themselves.

On the 3d of April last, some of the imperial troops from the camps near the race-course commenced destroying a building then being erected by one of the foreigners, and carrying away the timber. The owner, upon being informed of the fact, immediately repaired to the spot with a friend and remonstrated with them, when they drew their swords and commenced an attack upon both of the gentlemen. Fortunately, one of the assailed party had a revolver, with which he defended himself and wounded two of the assailants, upon which they retreated. But soon after they began to assemble from the different camps in the neighborhood, and attacked a lady and gentleman who were walking on the race-course. The gentleman received several wounds, while the lady had to fly for her life, pursued by these men.

The alarm was immediately given, when a small body of English marines that were posted on shore for the purpose of giving protection, repaired to the race-course, when they were immediately fired upon by the imperial troops, and were obliged to seek shelter behind the tombs, with which the fields are literally covered. The blue jackets and marines were soon landed from the English ships-of-war—the Encounter and the brig Grecian—and this ship, and the troops driven back to their encampments, one of which was captured and destroyed. We then retired for the night, keeping up strong patroles. The next morning, (April 4) after a consultation with the English and American consuls, Captain O'Callaghan and myself, we considered it necessary for the safety of the settlement to direct a communication to the General and Taoutae, informing them of the cause of the disturbance the evening previous, and stating that the entrenched encampments immediately in the vicinity of the race-course must be abandoned by four o'clock that day, or we should be obliged, for our own security, to destroy them.

No reply having been received up to half-past three, we proceeded to take up our positions. Captain O'Callaghan, with the Shanghai volunteers and about one hundred and fifty blue jackets and marines, occupied the right, while the sailors and marines from this ship, numbering about sixty, and 30 men from the American merchant-ships, with two private field-pieces, worked by American citizens who placed themselves under my command, occupied the left. We had also one twelve-pound boat-howitzer. At four p. m. we commenced throwing shells into the encampment. This was continued for about fifteen or twenty minutes, when, no return being made from the entrenchment, I directed the howitzer to cease firing, intending to charge into the camp; but on advancing within about thirty yards I found that I was separated by a creek twenty feet wide and seven deep.

At this moment the imperial troops commenced a smart fire of musketry and gingals upon us from behind their mud-walls, while we were totally unprotected. We returned their fire for about ten minutes, when I directed a flank movement to the left, where we could find some protection from the numerous mounds, and also enable us to fire into the camp. In about eight minutes the imperialists retreated in great disorder, leaving a number of dead and wounded on the field. Captain

O'Callaghan having captured and set fire to the entrenchments he had attacked, came up in the rear of the one I had engaged and set it on fire also. We then retired for the night. The next morning at daylight we returned to the field with about one hundred Chinese "coolies" and levelled the embankments.

I regret to say that in the attack one of my men, George McCorkle, (seaman) was killed, and one ordinary seaman and two marines wounded. The wounded are all well.

Captain Pearson, of the American merchant-ship Rose Standish, who was wounded while working one of the howitzers, has since died. Mr. Gray, chief clerk in the house of Russel & Co., was wounded in both legs, one of which had to be amputated. He is well.

I cannot close without expressing my warmest approbation of the steady and gallant conduct of the men and officers under my command, while exposed to a heavy fire from the imperial entrenchments.

The casualties on the English side were about the same as ours—one killed and three wounded.

Everything remained quiet up to the day of my leaving, (June 17.) The rebels still hold the city.

The Vandalia arrived on the 14th of June last, when I transferred all orders and instructions to Commander Pope.

The United States steam-ship Susquehanna, Commander Buchanan, with the honorable Mr. McLane, our Commissioner to China, was at Shanghai, expecting to leave, by the 6th of July, for Hong-Kong.

After leaving Shanghai, I proceeded to Ning-po. Enclosed I send you a copy of the report of our vice-consul, D. B. McCartee.

As Fou-Chow had been visited, a few days previous to the arrival of the Vandalia, by Commander Buchanan and Mr. McLane, in the steamer Confucius, and as they reported all quiet, I did not deem it necessary to anchor at that place, and therefore proceeded to Amoy, where I remained about thirty-six hours.

Our consul reported everything quiet in that quarter. I left on the noon of the 7th instant, and anchored in this harbor on the morning of the 14th of July.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN KELLY,
Commander.

Commodore M. C. PERRY,
Commanding U. S. Naval Squadron in the East India, China, and Japan Seas.

A.

U. S. SLOOP-OF-WAR PLYMOUH,
Shanghai, March 7, 1854.

SIR: In obedience to your orders of last night, I took charge of the third cutter of this ship, manned by eleven men, (armed,) and proceeded alongside of the Chinese imperial ship-of-war Sir Herbert Compton. I was accompanied by Messrs. Ayers, Liuklater, and Donaldson, owners of the captured boat.

The first part of your instructions obliged me to find the captain of the Compton, if possible, and to deliver to him the note you had confided to me. Not finding the captain on board, and being informed he was on board the Agnes, (another Chinese vessel-of-war,) I pulled to her; but he was not there, and I was told he was on shore. I therefore gave up the search for him, and determined to execute the second part of your instructions, which were, "to obtain the release of the captured boat, if I could," by which I supposed myself authorized to use force, as far as the means under my command would admit.

The Sir Herbert Compton, mounting ten or twelve guns, being anchored in the middle of the Chinese fleet, and having some forty men on her deck, (as well as I could judge at night,) renegadoes of all nations, I thought the attempt to release the six prisoners who composed the crew of the captured American pilot-boat a service of some delicacy. I therefore proceeded in the following manner; but I must premise that the prisoners were tied by the hair of the head around the mainmast. I went alongside the second time, and went on board, accompanied by the three pilots before mentioned, cautioning my men to come when they were called, and not before.

This time I inquired for the commanding officer, when a Portuguese stepped forward and claimed that rank. I asked him how he dared to make prisoners of men under the protection of the American flag, and demanded their release, and that the boat should be given up.

He replied that he did not do it; and that in the absence of the captain he had no authority to release either the men or the boat. He then conferred with another official, (a Chinaman,) who confirmed his decision.

I therefore called my men "to come on board," which they did with surprising alacrity, cutlass in hand; and they soon cast loose the prisoners. At this time the crew of the Sir Herbert Compton had assumed a menacing attitude, and Mr. Donaldson called out to me that some men on the poop-deck were aiming their muskets at us. Fortunately, the commanding officer was very near me. Drawing and cocking my pistol, I presented it at him, and told him the first shot fired I would blow his brains out. Upon this threat he called out loudly for his crew to desist; and we got off the prisoners, as well as the boat, without further difficulty.

Mr. Ayres having examined the boat, told me his property was safe, which left me nothing more to do but to convoy the pilot-boat to a place of safety within gun-shot of the Plymouth.

Having, sir, thus executed your orders in the spirit in which I believe them to have been given, I returned on board.

I am, very respectfully, your obedient servant,

JOHN GUEST,
Lieut. U. S. N.

Com. JOHN KELLY,
Commanding U. S. Sloop Plymouth.

Secretary of the Navy to Commodore Perry.

NAVY DEPARTMENT,
September 19, 1854.

SIR: You will appreciate properly the apparent delay in acknowledging the receipt of the treaty with the Emperor of Japan, and the very interesting notes accompanying it, when I inform you that the desire of the department was to transmit the despatch, with the ratification by the Senate, through the hands of Commander Adams. Although the State Department, I am assured, will return the ratification through Commander Adams, as bearer of despatches, it has not as yet (no doubt from the great pressure of business) found it convenient to do so.

I tender to you my warm congratulations on the happy success of your novel and interesting mission. You have won additional fame for yourself, reflected new honor upon the very honorable service to which you belong, and, we all hope, have secured for your country, for commerce, and for civilization, a triumph the blessings of which may be enjoyed by generations yet unborn.

The Senate, very promptly, unanimously ratified the treaty, and I indulge the hope that Commander Adams will soon return to bear it to Japan.

I am, very respectfully, your obedient servant.
J. C. DOBBIN.

Commodore M. C. PERRY,
Commanding U. S. Squadron
East India and China Seas, Hong Kong, China.

Commodore Perry to the Secretary of the Navy.

ON BOARD ENGLISH MAIL STEAMER HINDOSTAN,
At Sea, Indian Ocean, October 7, 1854.

SIR: I have the honor to enclose, herewith, a copy of a communication addressed by me, from Singapore, to the Hon. R. M. McLane, Commissioner to China, in explanation of which I may inform the department, that on arrival at Ceylon, on my outward passage to China, I met a ship of the King of Siam, having on board a number of distinguished Bhudhist priests on a pilgrimage to a temple near to Galle. To the captain of this ship and to the pilgrims I paid some attention, in view of availing of so favorable an opportunity of opening a correspondence with the younger brother of the King, the one who evinced so much friendship to those of our officers who had already visited his country.

Accordingly, in a letter addressed to this Prince, I informed him of my desire to visit at some future time, with the steamers of my command, his flourishing country, and to endeavor by every suitable act to enlarge and cement more strongly the friendly intercourse already subsisting between the United States and Siam.

It was my desire to revise the treaty entered into by the late Mr. Roberts, which had virtually become a dead letter, and altogether in-

operative, and that with England had also shared the same fate; and, although subsequent attempts had been made by Sir John Davis, and Sir James Brooke, (the rajah) on the part of England, and Mr. Ballestiere, as envoy from the United States, I was induced to think that another trial would have resulted more successfully, and consequently, under the authority of one of my blank letters of credence, took the preliminary steps in the business.

But knowing the character of all Eastern potentates, I was not disposed to venture hastily upon a visit to Bankuk, (even if it had been at the time practicable,) *there*, possibly, to be politely repulsed, as the three gentlemen last mentioned had been. Therefore, on arrival at Canton, and conferring with our secretary of legation, Dr. Parker, I addressed myself, with his assistance, confidentially, to two of the American missionaries resident in Siam, and in good favor with the King, requesting them to make inquiry as to the feelings of the King and his ministers with respect to the government and people of the United States, and to give me their candid opinions, whether, if I came to Siam, I should be successful in effecting the object of my visit.

In due time I received replies not only from the second King, but from the reverend gentlemen addressed by me. The letter of the King was merely one of courtesy; those of the missionaries assured me of a friendly reception at court, but expressed some uncertainty as to the disposition of the government to enter into more liberal commercial intercourse with foreign powers. On the whole, however, they rather recommended the proposed visit. Since the dates of these letters, I have received another from the second King, equally friendly, and referring me to his brother, the first King; and from other information obtained I should have made up my mind to enter upon the experiment after my return from Japan, if circumstances had permitted.

It may be asked why I did not take advantage of the interval of my detention in China to make the desired visit. The answer is, that I had not at the time a sufficiency of coal on hand to authorize so large an expenditure as would have been required in the passage of the steamers to and from Siam, and still leave an adequate supply for my second visit to Japan.

One of my objects had been to induce the King to send one of his ships (all of which combine both war and commercial purposes) to the United States with some of his most intelligent officers—many of whom speak English*—there to examine into our institutions, resources, &c.; the surest way, in my opinion, of securing the respect and friendship for our government of a people not more than half-civilized, as we understand civilization.

My plans with respect to Siam have, however, been frustrated by the indispensable delay in the negotiations with Japan and the necessary return of the Mississippi and Susquehanna by way of the Pacific, the employment on special service of the Powhatan, and the imperative necessity of keeping a ship constantly at Canton and Shanghai.

Copies of all the correspondence referred to above have been fur-

* Both the Kings speak and write English.

nished to Mr. McLane, and will also be forwarded to the department on my return to the United States.

With respect to the possibility of opening an intercourse with Cochin China, notwithstanding the previous failures of England, France, and the United States, I am of opinion, founded upon reliable information obtained in China proper and at Singapore, that a favorable issue might be accomplished, provided that small steamers of light draught were employed to ascend the rivers upon which the principal cities are situated, and in sufficient force to resist and prevent insult, to command respect, and, as a consequence, *to secure the friendship* of these singular people; and though the trade of Cochin China and the neighboring countries is growing in importance, it is a question whether the advantages of a treaty purchased at so much expense would be otherwise desirable than as reflecting high honor upon the enterprise and energy of a nation yet comparatively in its infancy.

With great respect, I have the honor to be your most obedient servant,

M. C. PERRY.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

NOTE.—With reference to the blank letters of credence mentioned above, five were intrusted to my charge, to be filled up by me if a suitable occasion occurred.

SINGAPORE, *September* 19, 1854.

MY DEAR MR. MCLANE: On arrival at this place I was informed by our consul that a Siamese messenger from the King had been waiting some time here to see me.

I have this moment parted with him, and he informs me that the King was much pleased with the intelligence that I contemplated visiting Siam, and had erected a building for my reception, and made many other preparations to do me all honor; that on such occasion, or rather the occasion of my visit, he would depart from the usual court etiquette, and receive me in person, &c., &c.

An hour before my interview with the Siamese messenger I had held a long conversation with Colonel Butterworth, the governor of Singapore, who had received a letter from the King of Siam, an old correspondent of his, in which the King refers to me, and remarks that he was anxiously awaiting my arrival; another letter received by the governor from the same source he had forwarded to Sir John Bowring, which he will doubtless show you.

I give the above for what it is worth. All these preparations may possibly be intended merely as a blind to conceal a predetermined intention of conceding nothing in the way of improving the character of the existing treaty with the United States.

As Colonel Butterworth very justly remarked, the Siamese princes,

like all Eastern potentates, are full of diplomatic duplicity; nevertheless, I should have much liked to have had a bout with his Siamese majesty.

Most respectfully and truly yours,

M. C. PERRY.

Commodore Perry to the Secretary of the Navy.

ENGLISH MAIL STEAMER HINDOSTAN,
At Sea, Indian Ocean, October 9, 1854.

SIR: Being uncertain whether I have informed the department that the sloop-of-war Plymouth and store-ship Lexington have on board numerous plants of Japan and China, of ornamental trees, fruits, flowers, &c., as also plants of the sugar-cane, together with various articles of presents from the Emperor of Japan, mostly intended for the President's House, I deem it advisable, in the possibility of such an omission, to give the information at this time.

Commander Kelly being ordered to Norfolk, comformably with the instructions of the department, was directed by me to go first to Annapolis, in view of landing and transmitting the articles, with the least possible delay, to Washington, and thence to return with his ship down the bay to Norfolk; but having, since the date of these instructions, met him at Singapore—at which place, and at Penang, in the Straits of Mellacca, he had been instructed to stop, for the purpose of receiving on board sugar-cane plants—I verbally informed him that he might exercise his discretion, whether to go to Annapolis or send the articles direct from Norfolk. Lieutenant Commanding Glasson, in the Lexington, bound to New York, (conformably to orders from department,) with about three hundred plants on board, planted in what are called Ward's boxes, has also instructions to exercise his discretion, whether or not to touch at Annapolis, to land and forward the plants by railroad, in consideration of the possible danger of their being injured by the frost.

Dr. Morrow, the person sent out by the government as agriculturist, has charge of these plants, in the collection and preparation of which I have spared no pains.

I have also sent with them a Chinese gardener, rated on the ship's books as an ordinary seaman, who is acquainted with the several varieties, and would doubless be very useful as an under-gardener in the public grounds, especially in instructing others in the Chinese mode of ornamental gardening.

As the store-ships all go to New York in ballast, I have put on board myself, and allowed all the officers, who desired it, to send home in like manner, such articles of curiosity and usefulness as they have collected; it being, of course, understood that these articles are for the exclusive use of the officers, and are not intended as merchandise. And, to prevent any misunderstanding, I have thought it advisable to address a letter to the collector of New York, (sent by the Supply,) and furnishing the necessary explanations.

On board the store-ship Supply are several blocks of granite, and other qualities of stone, procured by me at the islands of Jesso and Niphon, in Japan, at Lew-Chew, Formosa, and China proper. These are intended for the Washington monument.

I am now on my way to the United States, via Holland, and expect to be in New York by the middle of January, in time to meet the arrival at that place of the Mississippi; there to haul down my flag at the termination of my cruise.

Whilst in Europe, (and this has been one of my objects in returning that way,) I propose to visit some of the dock-yards and steam-engine manufactories, in view of examining into the very great improvements which have recently taken place in the construction and arrangement of steam-vessels—especially those propelled by the screw.

With great respect, I have the honor to be your most obedient serv't,

M. C. PERRY.

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington.

Commodore Perry to the Secretary of the Navy.

ENGLISH MAIL STEAMER HINDOSTAN,
Red Sea, October 14, 1854.

SIR: On stopping at Galle, (Ceylon) on my way from China, I received a box from Monsieur Jos. Chauvin, of the house of Chauvin & Brothers, of Port Louis, containing tobacco and cotton-seeds from the island of Mauritius, and collected and forwarded by Mr. Chauvin, at my request.

As I do not go direct to the United States, and being aware of the importance of having the seeds at Washington in time for distribution for spring planting, I have placed the box in charge of Capt. Charles H. Rhodes, a fellow-countryman, who has kindly promised to forward it to Washington from New York, by Adams & Co.'s Express.

With great respect, I am, sir, your most obedient servant,

M. C. PERRY.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington, D. C.

Commodore Perry to the Secretary of the Navy.

NAVY DEPARTMENT,
Washington, January 20, 1855.

SIR: I have the honor to enclose herewith two letters* addressed by me respectively to the Emperor of Japan, and to the Imperial commissioner, with whom I negotiated.

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* For these letters see Commodore Perry's despatch, dated August 3, 1853.

The transmission of these letters was, by some unaccountable cause, overlooked. I also enclose other papers not before transmitted.

Very respectfully, your obedient servant,

M. C. PERRY.

Hon. JAMES C. DOBBIN,
Secretary of the Navy, Washington.

U. S. STEAM-FRIGATE MISSISSIPPI,
July 31, 1854.

SIR: With considerations of the highest respect, the men composing the crew of this ship, now bearing your broad pendant, beg leave to address to you the following communication:

Learning, with regret, that you contemplate leaving us prior to the arrival of this ship in the United States, it is our earnest desire to express in some befitting manner the high sense of respect and esteem with which we look upon you, both as our commander and real friend; and while we are well aware of the high and deserving honors that are awaiting you broadcast over our own land, and throughout the enlightened of all nations, we feel that we, who have had the good fortune, for a considerable portion of the time of your command, of being under your immediate notice, have a right to express to you our honest and true wishes for your future welfare and happiness.

The high and important negotiations which you have accomplished with a numerous and powerful people, we beg you to believe, are well understood by us; and at the same time that we are aware of the delicacy and prudence required on your part, we have ever had the most implicit confidence that the honor of our country's flag would never be tarnished while under your command. Upon the occasion of separating from you, we desire you to accept our sincere wishes for your future happiness, and at the same time we would express to you our acknowledgments for the uniform regard which you have ever evinced for our comfort; that we appreciate in all their bearings the undoubted desire evinced on your part for the well-being of those intrusted to your command; and, as we have already intimated, while our country stands ready to receive you with merited and appropriate honors, we beg you to accept this, our humble tribute; and while we have the honor (for it is an honor) to serve our country, we shall never feel greater confidence, or stronger pride, than while under your command.

In behalf of ship's company:

JAMES PATTERSON, (*Yeoman.*)
HENRY SMITH, (*Gunner's mate.*)
FRANCIS SULLIVAN, (*Master-at-arms.*)
JAMES ROBINSON, (*Boatswain's mate.*)
WILLIAM TRAIN, (*Quartermaster.*)
ALEXANDER McINTOSH, (*Captain of forecastle.*)
THOMAS JONES, (*Captain of hold.*)
ANGUS JOHNSON, (*Captain of top.*)
WILLIAM WADE, (*Armorer.*)
DENNIS CONNOR, (*Sailmaker's mate.*)

REUBEN GILLIAM, (*Carpenter's mate.*)
JOS. R. HURD, (*Captain of afterguard.*)
CHARLES HAGAN, (*Seaman.*)
RICHARD HEWSON, (*Ordinary seaman.*)
JAMES H. WEEKS, (*Landsman.*)

In behalf of firemen and coal-heavers:
JOHN FISHER.

In behalf of marine guard:
Sergeant KEARNS.

Commodore M. C. PERRY,
Commander-in-chief United States Naval Forces
East India, China, and Japan Seas.

U. S. STEAM-FRIGATE MISSISSIPPI,
Macao, August 1, 1854.

MY SHIPMATES: I have received, and perused with much pleasure, your letter of yesterday, and am highly gratified to learn from its contents, that the feelings entertained by the crew of the Mississippi are so kind and friendly towards me. Those feelings I most cordially reciprocate, and shall ever look back with pride and pleasure to the several periods of time on this and other stations, where this noble and well-tried ship has borne my flag.

Wishing you all prosperity, and a happy return to your families and friends at home, I subscribe myself your friend,

M. C. PERRY.

CANTON, *September* 4, 1854.

SIR: We, your countrymen, the undersigned, merchants and residents in China, learning that it is your excellency's intention to leave for the United States on the 11th current, desire to declare to you, before your departure, the sense we entertain of your services in fulfilment of the mission with which you were specially charged by our government to that of Japan, and to acknowledge the promptitude with which you have bestowed the protection so much required by the important interests at stake in this country and its neighborhood during your command in these seas.

Enjoying the advantages of proximity, and with our interest heightened thereby, it has been our privilege twice to witness your departure for the shores of Japan; nor will you have doubted that you went with our best wishes freighted. Participating, indeed, in the hopes and anxieties attending your great enterprise, in perhaps a greater degree than those who were more distant, we may, as your countrymen, now claim the right to anticipate the warm approval, the pride, and satisfaction with which the announcement of your achievements will be hailed in our common country.

But your success, which is so well calculated to enkindle the patriotism and awaken the admiration and gratitude of your countrymen, will not in a less degree elicit the applause of other nations.

You cannot have been unconscious that your audience was the whole civilized world, and that your mission was worthy of man's highest ambition. Whilst this added to your anxieties, it has not lessened your zeal or dazzled your mind; but has called into exercise that rare assemblage of qualities—that union of conciliation with firmness—the happy tact and judgment, which have insured your complete success.

That such will be the award of your own countrymen, and of the people of other nations, we hazard nothing in declaring.

Whilst you have thus elevated yourself to a proud position in the eyes of the world, you have firmly re-established the hold which the name you bear has so long had upon the hearts of your countrymen; and the name of PERRY, which has so long adorned the naval profession, will henceforth be enrolled with the highest in diplomacy. Columbus, De Gama, Cook, La Pérouse, Magellan—these inscribed their names in history by striving with the obstacles of nature. You have conquered the obstinate will of man, and, by overturning the cherished policy of an empire, have brought an estranged but cultivated people into the family of nations. You have done this without violence, and the world has looked on with admiration to see the barriers of prejudice fall before the flag of our country without the firing of a shot.

It is thus that your acts, dictated by your wisdom and inspired by your justice and benevolence, have so auspiciously inaugurated the entrance of Japan into the great family of nations—the consequences of which affect the welfare of the universe; and thus, that in adding lustre to the flag of our country, you have durably incribed your name upon the history of the world.

In conclusion, permit us to say, that as none of your countrymen can more fully appreciate the value of your services, so none will more sincerely desire to hear of your future welfare; and to request your acceptance of a durable memorial of your visits to China as a testimony of the estimation in which we hold your public services and private character.

Wishing you the highest reward that man can bestow—"that of a whole nation's gratitude"—

We remain, sir, your countrymen,

[Signed by all the American merchants in Canton.]

His Excellency Commodore MATTHEW C. PERRY,

Commander-in-chief of the Naval Forces U. S. in the East India, China, and Japan Seas, and late Special Envoy to Japan, &c., &c., &c.

U. S. FLAG-SHIP MISSISSIPPI,
Hong Kong, September 7, 1854.

GENTLEMEN: It is impossible for me to find words sufficiently expressive of my profound thanks for the very flattering praise which you, in your prodigal kindness and generosity, have bestowed upon me in your communication of the 4th instant.

In the execution of my duties as commander of the East India squadron, and with special reference to the mission to Japan, I am unconscious of having done more than might have been expected of me as a zealous and loyal officer.

The testimonial of which you speak will be received with the highest gratification, and my children will be enjoined to treasure it as a memorial of the many favors their father had received from his fellow-countrymen in China.

In separating myself from those with whom I have been so long and so agreeably associated, I cannot but hope that we shall all meet again in our own happy country; and with this pleasant anticipation, I subscribe myself, with every feeling of sincere friendship and respect,

Your obliged and most obedient servant,

M. C. PERRY.

HONG KONG, *September* 9, 1854.

SIR: On the eve of your departure for the United States, we feel that we cannot permit you to leave this without respectfully tendering you our sincere wishes for your health and happiness, and for a prosperous return to our native land.

In expressing to you these sentiments we cannot refrain from briefly alluding to the great pride we have had in witnessing the completely successful termination of your mission to Japan, which has added another to the many benefits which our country has derived from your devoted zeal to the furtherance of her interests, and to the elevation of that branch of her service to which you belong.

We feel assured that the same esteem and respect in which you are held by our countrymen, is felt for you by the English community at at this—who, when congratulating our country and its citizens upon the success of services such as yours, felicitate us upon the choice made by our government in selecting yourself to carry out its views in regard to the empire whose commerce you have opened not only to us, but to the world.

We think, sir, we may well be proud, and pardoned for expressing, even as we do now to yourself, before your departure, that pride which we feel, when hearing, as we have heard, your name, character, and achievements spoken of in the highest terms of praise by the plenipotentiary of H. B. M., by her officers, civil, military, and naval, as well as by the foremost merchants of England doing business with China, and whose establishments are at this. Adding our testimony to theirs,

we subscribe ourselves, with best wishes for your welfare, and with sentiments of esteem and respect,

Your friends,
JAMES KEENAN.
O. D. WILLIAMS.
HENRY ANTHON, JR.
GEORGE L. HASKELL.

His Excellency Commodore M. C. PERRY,
Commander-in-chief of the U. S. Squadron
to the East India and China Seas, &c., &c., &c.

U. S. STEAM-FRIGATE MISSISSIPPI,
Hong Kong, September 11, 1854.

GENTLEMEN: At the moment of my departure from China, I have been honored with your flattering communication of the 9th instant, and beg briefly to express my gratitude for this and many other marks of favor I have received at your hands.

The highest reward an officer should look for as a recompense for his public services is, the approbation and friendship of his fellow-countrymen; and surely, those who reside in China have lavished upon me their kindness and good wishes in a manner never to be forgotten.

Trusting you will excuse the informality of this hurried note, written as it is in the midst of preparations for my departure to-day, you will permit me to wish you every happiness and success in life, and to subscribe myself,

Your obliged friend and most obedient servant,
M. C. PERRY.

To JAMES KEENAN, Esq.
O. D. WILLIAMS, Esq.
HENRY ANTHON, jr., Esq.
GEORGE L. HASKELL, Esq.

Sailing directions for the harbor of Simoda, by Lieut. Wm. L. Maury, U. S. N.

Vessels bound to the harbor of Simoda, from the southward and westward, should make Cape Idzu, from which Rock island bears ESE. ½ E., distant about six miles; and if the weather is at all clear, the chain of islands at the entrance of the Gulf of Yedo will at the same time be plainly visible.

Between Rock island and the main land there are a number of rocks awash and above water, among which the Japanese junks freely pass, but a ship should not attempt a passage inside of Rock island, unless in case of urgent necessity, particularly as the northeasterly current which sweeps along this coast, seems to be, at this point, capricious, both in direction and velocity.

Giving Rock island a berth of a mile, the harbor of Simoda will be in full view, bearing N. ½ W., distant five miles.

Vandalia bluff, on the east side of the entrance, may be recognised by a grove of pine trees on the summit of the bluff, and the village of Susaki, which lies about one-third of the way between it and Cape Diamond. Cape Diamond is a sharp point making out to the eastward of the entrance of the harbor.

Standing in from Rock island, you will probably pass through a number of tide-rips, but not get soundings with the hand-lead until near the entrance of the harbor, when you will be in from seventeen to twenty-four fathoms.

Should the wind be from the northward, and fresh, a vessel should anchor at the mouth of the harbor until it lulls or shifts, or until she can conveniently warp in, as it is usually flawy and always baffling.

Approaching from the northward and eastward, a vessel can pass on either side of Oho-Sima, from the centre of which Cape Diamond bears WSW. ¾ W., distant about twenty miles.

Between Oho-Sima and Simoda no dangers are known to exist; but the northeasterly current must be born constantly in mind, particularly at night and in thick weather. Its general strength is from two to three miles per hour; but as this, as well as its direction, is much influenced by the local winds, headlands, islands, &c., neither can be relied upon.

Should Oho-Sima be obscured by thick weather before reaching Cape Diamond, endeavor to sight Rock island, for there are no very conspicuous objects on the main land by which a stranger can recognise the harbor at a distance, and the shore appears as one unbroken line.

To the westward of the harbor there are several sand-beaches, and three or four sand-banks. These can be plainly discerned when within six or eight miles, and are good landmarks.

A vessel from the southward and eastward should pass to the westward of the island of Meac-Sima, which may be known by a remarkable snow-white cliff on its western side. There is also a white patch on its summit to the northward of the cliff. From this island the harbor bears NNW., distant about twenty-five miles.

There are but two hidden dangers in the harbor. The first is the

SOUTHAMPTON ROCK,

which lies in mid-channel, bearing N. ½ W. from Vandalia bluff, about three-fourths of the way between it and Centre island. The rock is about twenty-five feet in diameter, and has two fathoms water upon it. It is marked by a white spar-buoy.

The second is the

SUPPLY ROCK,

bearing S. by W., a short distance from Buisako islet; is a sharp rock, with eleven feet water upon it. It position is designated by a red spar-buoy.

Both of these buoys are securely moored, and the authorities of

Simoda have promised to replace them, should they by any cause be removed.

Centre island, which receives its name from being the point from which the treaty limits are measured, is high, conical, and covered with trees. A cave passes entirely through it.

In the outer roads, or mouth of the harbor, a disagreeable swell is sometimes experienced; but inside of the Southampton rock and Centre island, vessels are well sheltered, and the water comparatively smooth. Moor with an open hawse to the southward and westward.

There are good landings for boats in Simoda creek, and at the village of Kakisaki.

A harbor-master and three pilots have been appointed; wood, water, fish, fowls, and eggs, also sweet potatoes and other vegetables, may be procured from the authorities. It is necessary to supply them with casks to bring the water off.

Latitude Centre island, 34° 39′ 49″ N.; longitude, 138° 57′ 50″ E. Variation, 52′ westerly. High water, F. & C., V hr. Extreme rise of tide, 5 feet 7 inches. Mean rise of tide, 3 feet.

To make the foregoing directions more easily comprehended, they have been rendered as concise as possible; but to furnish further information to navigators bound to or passing the port, the following additional remarks are appended:

The harbor of Simoda is near the southeastern extremity of the peninsula of Idzu, which terminates at the cape of that name. To the northward of the harbor, a high ridge intersects the peninsula, and south of this, all the way to the cape, it is broken by innumerable peaks of less elevation.

The harbor bears SW. by W. from Cape Sagami, at the entrance of Yedo bay, distant about 45 miles.

Rock island is about 120 feet high, and a third of a mile long, with precipitous shores and uneven outlines. It has a thick matting of grass, weeds, moss, &c., on the top.

From the summit of this island overfalls were seen, bearing N. ½ W., distant a mile, or mile and a half. These may have been caused by a rock or reef. An attempt was made to find it; but the strong current and fresh wind prevented a satisfactory examination. The Japanese fishermen, however, deny the existence of any such danger.

N. by W. from Rock island, distant two miles, are the Ukona rocks. These are two rocks, though they generally appear as one. The largest is about 70 feet high. Between these and Rock island, the current was found setting east-northeasterly, fully four miles an hour.

Centre island bears from Rock island N. ½ E., distant five and a half miles, and from Ukona rocks N. by E. ½ E., distant three and a half miles.

Buisako islet lies NNE. from Centre island. It is about 40 feet high, and covered with trees and shrubs.

Should the buoy on Southampton rock be removed, the east end of Centre island, on with the west end of Buisako, will clear the rock to the westward.

Off the village of Susaki, and distant one-third of a mile from the shore, is a ledge of rocks, upon which the swell is always breaking; *give them a berth of* two cables in passing.

Due west from Vandalia bluff, about one-third of the way to the opposite shore, is a deep hole, with upwards of 30 fathoms water.

Approaching from the eastward, the harbor will not open until you get well inside of Cape Diamond.

To the northward of Cape Diamond is the bay of Sirahama, which is quite deep, and, as it has also several sand-beaches, it may be mistaken for Simoda; but as you approach this bay, Cape Diamond will shut in the Ukona rocks, and Rock island to the southward, whilst in the Simoda roads they are visible from all points.

Cape Idzue—latitude, 34° 32′ N.; longitude, 138° 51′ E. Rock island—latitude, 34° 33′ 50″ N.; longitude, 138° 57′ 16″ E.

To the southward and westward of Meac-Sima there are two patches of dangerous rocks, 15 or 20 feet high, which have been named Redfield rocks. They are in latitude 33° 56′ 13″ N., longitude 138° 48′ 31″ E., and latitude 33° 57′ 31″ N., longitude 138° 49′ 15″ E.

These positions may not be strictly correct, but it is believed they are not much out of the way.

By order of Commodore M. C. Perry, U. S. N.

SILAS BENT,
Flag Lieutenant.

U. S. STEAM-FRIGATE MISSISSIPPI,
Napa, Lew-Chew, July 7, 1854.

Sailing directions for Hakodadi, by Lieut. Wm. L. Maury, U. S. N.

This spacious and beautiful bay, which for accessibility and safety is one of the finest in the world, lies on the north side of the straits of Sangar, which separates the Japanese islands of Nippon and Yesso, and about midway between Cape Sirija Saki* (the NE. point of Nippon,) and the city of Matsmai. It bears from the cape NW. ½ W., distant about 45 miles, and is about 4 miles wide at the entrance, and 5 miles deep.

The harbor is the southeastern arm of the bay, and is completely sheltered, with regular soundings and excellent holding-ground. It is formed by a bold peaked promontory standing well out from the high land of the main, with which it is connected by a low sandy isthmus, and, appearing in the distance as an island, may be readily recognised.

The town is situated on the northeast slope of this promontory, facing the harbor, and contains about 6,000 inhabitants.

Approaching from the eastward, after passing Cape Suwo Kubo, named on our chart Cape Blunt, which is a conspicuous head-land 12 miles E. by S. from the town, the junks at anchor in the harbor will be visible over the low isthmus.

FOR ENTERING THE HARBOR.

Rounding the promontory of Hakodadi, and giving it a berth of a mile, to avoid the calms under the high land, steer for the sharp peak of Komaga-daki, bearing about north, until the east peak of the Sad

* Saki in the Japanese language means cape; consequently it should be more properly called Cape Sirija; but to prevent mistakes it has been thought advisable to adopt the Japanese names.

dle, bearing about NE. by N., opens to the westward of the round knob on the side of the mountain; then haul up to the northward and eastward, keeping them open until the centre of the sand-hills on the isthmus bears SE. by E. ¾ E. (these may be recognised by the dark knolls upon them.) This will clear a spit which makes out from the western point of the town in a north-north westerly direction two-thirds of a mile; then bring the sand-hills a point on the port bow, and stand in until the western point of the town bears SW. ½ W., when you will have the best berth, with 5½ or 6 fathoms water. If it is desirable to get nearer in, haul up a little to the eastward of south for the low rocky peak which will be just visible over the sloping ridge to the southward and eastward of the town. A vessel of moderate draught may approach within a quarter of a mile of Tsuki Point, where there is a building-yard for junks. This portion of the harbor, however, is generally crowded with vessels of this description; and unless the want of repairs, or some other cause, renders a close berth necessary, it is better to remain outside.

If the Peak or Saddle is obscured by clouds or fog, after doubling the promontory, steer N. by E. ½ E., until the sand-hills are brought upon the bearing above given, when proceed as there directed.

A short distance from the tail of the spit is a detached sand-bank with 3½ fathoms on it, the outer edge of which is marked by a white spar-buoy. Between this and the spit there is a narrow channel with 5 and 6 fathoms water. Vessels may pass on either side of the buoy, but it is most prudent to go to the northward of it.

Should the wind fail before reaching the harbor, there is a good anchorage in the outer roads, in from 25 to 10 fathoms.

Excellent wood and water may be procured from the authorities of the town; or if preferred, water can be easily obtained from Kamida creek, which enters the harbor to the northward and eastward of the town.

The season at the time of our visit was unfavorable for procuring supplies; a few sweet and Irish potatoes, eggs and fowls, however, were obtained, and these articles at a more favorable period of the year will, no doubt, be furnished in sufficient quantities to supply any vessels that may in future visit the port.

Our seine supplied us with fine salmon and a quantity of other fish, and the shores of the bay abound with excellent shell-fish.

During our stay in this harbor, from the 17th May to 3d June, the weather was generally pleasant until the 1st June, when the fog set in. It was usually calm in the morning, but towards the middle of the day a brisk breeze from SW. sprung up.

Latitude mouth of Kamida creek, 41° 49′ 22″ N.; longitude, 140° 47′ 45″ E.; variation, 4° 30′ W.; high water, F. & C. V hours; extreme rise and fall of tide, 3 feet.

Our chronometers were rated at Napa Kiang, Lew-Chew, from the position of that place as given by Captain Beechy, R. N.

By order of Commodore M. C. Perry, U. S. N.

SILAS BENT,
Flag Lieutenant.

U. S. STEAM-FRIGATE MISSISSIPPI, *at Sea*, July 18, 1854.

Sailing directions for Yedo, by Lieut. Wm. L. Maury, U. S. Navy.

Vessels from the suthward bound to this bay should pass up to the westward of the chain of islands lying off the Gulf of Yedo, and are cautioned against mistaking the deep bight of Kawatsu bay for the entrance of Uraga channel, for on the northeast side of this bay there is a ledge of rocks several miles from the shore, bearing from Cape Sagami about WNW., distant ten miles, upon which one of the vessels of our squadron grounded. A stranger without a correct chart would naturally make this mistake, as the opening of the channel is not seen at a distance from this quarter, the shore appearing as an unbroken line.

The entrance to the channel bears from the centre of Oho-Sima NE. by N., distant about twenty miles. Stand in upon this line, and the saddle-hill to the northward of Cape Sagami will be readily recognised, as well as the round black knob on the eastern side of the channel. On approaching Uraga, the Plymouth rocks will be plainly seen; give these a berth of half a mile to clear the Ingersoll Patch, a sunken rock with but one fathom on it, and which is the only known danger in the channel.

Between Plymouth rocks and Cape Kami-Saki the ground is clear and the anchorage good, if care be taken to get pretty well in, so as to avoid the strong tides which sweep round the latter with great rapidity. A spit makes out a short distance to the southward of Kami-Saki; but to the northward of the cape, the shore is bold and the water very deep.

On rounding Cape Kami-Saki, if bound for the city of Yedo, steer NW. by N. until Perry island bears S. by W. ¾ W., so as to clear Saratoga spit, which extends well out from the eastern shore; then haul up, keeping Perry island upon this bearing until the beacon on the low point to the southward of Yedo bears WNW. This clears the shoal off the point, and here there is good anchorage in about ten fathoms water, in full view of the city of Yedo.

At this point our survey terminated; the boats, however, found a clear channel with plenty of water for the largest vessels several miles farther to the northward, and within a few miles of the city.

If bound to the American anchorage, from Cape Kami-Saki steer NW. and anchor in eight or ten fathoms water, with Perry island bearing SSE., and Webster island SW. by S.

To the southward of Webster island there is also good anchorage in six and seven fathoms. Near this anchorage there are two snug coves, very accessible, in which vessels may conveniently repair and refit.

Susquehanna bay, three miles WNW. from Cape Kami-Saki, is well sheltered, but it contains a number of reefs and rocks, and is therefore not recommended as an anchorage.

Mississippi bay is four miles north of the American anchorage; it is well sheltered from the prevailing winds. Upon anchoring it is necessary to give the shore a good berth, to avoid a shoal which extends out from a half to three-quarters of a mile. The conspicuous head-land or long yellow bluff on the north side of this bay is called Treaty Point; a shoal surrounds the point from two-thirds of a mile to a mile distant.

Between the American anchorage and Treaty Point the soundings are irregular, shoaling suddenly from twelve to five fathoms on a bank of hard sand.

To the northward of Treaty Point and NNW. from Cape Kami Saki, distant fourteen miles, is Yokuhama bay. To reach this anchorage, bring the wooded bluff which terminates the high land on the north side of the bay to bear N. by W. ½ W., and steer for it until Treaty Point bears SW. by S.—this clears the spit off the point; then haul up about NW. by N. for the bluff over the town of Kanagawa, and anchor in five and a half or six fathoms, with the Haycock just open to the eastward of Mandarin bluff. Mandarin is the steep bluff a mile to the northward of Treaty Point.

A flat extends out from the northern shore of this bay, between Kanagawa and Beacon Point from one to two miles; off Mandarin bluff there is also a shoal extending a mile to the northward.

The bay of Yedo is about twelve miles wide, and thirty deep, with excellent holding-ground, and capable of sheltering the fleets of the world.

Our survey embraced the western shore only, from Cape Kami Saki to Beacon Point. We had no opportunity of examining the eastern side. The soundings from Treaty Point across in an ESE. direction are regular, and three fathoms were found about a mile and a half from the opposite shore.

Of Uraga channel, a reconnoissance was made of the western shore only.

During our stay in the bay, from the 17th of February to the 18th of April, the weather was generally fine, being occasionally interrupted by strong winds and heavy rain. The gales came up suddenly from the southward and westward with a low barometer, and continued for a short time, when the wind hauled round to the northward and westward and moderated. We had no easterly blows; in fact, the wind was rarely from this quarter, except when hauling round from the northward (as it invariably did) by east to the southward and westward.

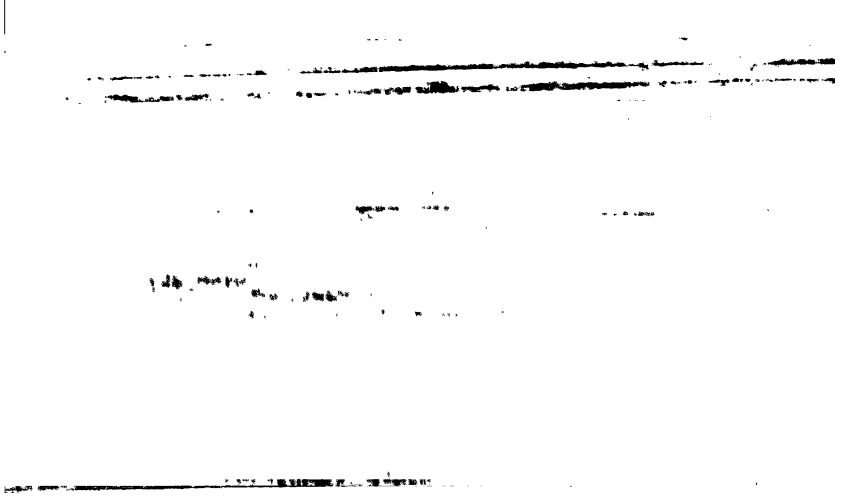
The tide is quite strong out in the bay; and off the tail of Saratoga spit, Perry island, and Cape Kami-Saki, its velocity is much increased. But at the anchorage in the bay of Yokuhama it was scarcely felt. At Yokuhama the Japanese authorities supplied us with wood and water, and a few vegetables, fowls, eggs, oysters, and clams.

Latitude Cape Sagami, 35° 06′ 30″; longitude, 139° 40′. Latitude Webster island, 35° 18′ 30″; longitude, 139° 40′ 34″. Latitude of Treaty building, north end of Yokuhama, 35° 26′ 44″; longitude, 139° 40′ 23″. Variation, 25′ westerly. High water F. and C., VI. Rise and fall at Yokuhama, 6 feet.

By order of Commodore M. C. Perry.

SILAS BENT, *Flag Lieutenant.*

U. S. STEAM-FRIGATE MISSISSIPPI,
Hong-Kong, September 4, 1854.



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